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Government  
Publications

“Today I was treated with fairness.”





June 2001

Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 2000 to March 31, 2001, pursuant to Section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Yours sincerely,



Clare Lewis, Q.C.  
Ombudsman

Clare Lewis, Q.C.  
125 Queens Park  
Toronto, Ontario M5S 2C7  
Telephone: (416) 586-3300  
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The Ombudsman shall report annually upon the affairs of the Ombudsman's office to the Speaker of the Legislative Assembly who shall cause the report to be laid before the Assembly...

*Ombudsman Act, S.11.*

#### CONTENTS

Ombudsman's Message	1
Year in Review	5
Staff List	14
Complaints	15
Case Stories	23
Thank You Letters	44





Clare Lewis, O.C.

# Today

our mandate is reinforced.

*"A just and civil society requires a system of government which whilst operating within the rule of law provides for a wider recognition of the need for accountability to citizens on whose behalf government undertakes its responsibilities. The institution of Ombudsman provides an effective accountability mechanism, which is now in place in more than 100 countries... the role of Ombudsmen (provides) a mechanism which can balance the fundamental requirement that governments must be able to govern but with appropriate accountability."*

International Ombudsman Institute,  
November, 2000

In my first annual report as Ombudsman tabled in the Legislature last year, I spoke of the breadth and complexity of the issues involved in administering the provisions of the *Ombudsman Act* and the challenges they would present to me as I began my term of office. This past year has proved to be one requiring considerable learning on my part as I have dealt with the myriad complaints which have come to this office and as I confronted the expectations of those members of the public complaining and of those public servants and programs complained against.

On a larger scale, I have become aware of the growth of the Ombudsman movement internationally as democratic governments have chosen to legislate and appoint Ombudsman for the purpose of providing the public with a means of redressing unfairness or error in the provision of government services. That movement is of sufficient size and importance that there is an association of Ombudsman worldwide known as the International Ombudsman Institute. During the year 2000, the Institute inaugurated a Chair for Human Rights at the University of Natal in Durban, South Africa and was recognized and commended by Dr. Nelson Mandela as "being crucial to giving substance to the development of democracy in our country".

Over the past thirty years most of Canada's provincial and territorial legislatures have created an Ombudsman as a critical component of ensuring government accountability in the delivery of services. The Newfoundland government, which some years ago had repealed its *Ombudsman Act*, has recently introduced a Bill once again to recreate the office, the absence of which has been seen as detrimental to open and accountable governance in that province. Ontario created this office in 1975 and in December 2000, I was privileged to host a celebration of the 25th Anniversary of the office of the Ontario Ombudsman. Of particular importance to that event was the presence of the Chief Justice of Ontario, the Honourable R. Roy McMurtry as the principal speaker since it was in his role as Attorney General of Ontario, that in 1975, he introduced and had carriage of the legislation which established the Ontario Ombudsman.

Over the past year, I have been much assisted by my Canadian counterparts whose experience and insight have been of considerable value. With them, I am a member of the Canadian Ombudsman Association and have been recently appointed as its Secretary. That Association has made representation to the Government of Canada in support of the creation of a federal Parliamentary Ombudsman; to the Government of Nova Scotia as it conducts a review of its agencies and other governmental bodies including the Nova Scotia Ombudsman; and to the American Bar Association as it finalizes its expression of support for the evolution of the Ombudsman model throughout the United States.

I have endeavored on an ongoing basis over the course of the past year to meet with members of the Legislature, the all-party Standing Committee on the Legislative Assembly, with diverse community groups and with a broad spectrum of senior and front-line public servants. Through visits to correctional facilities across the province, I have been able to learn about and make my presence known to those incarcerated as well as those responsible for managing these facilities. This sector forms a significant part of our caseload, in part because of the major restructuring the Ministry of Correctional Services is undergoing, in accordance with new government policies including privatization initiatives. All of these encounters have assured me of a greater understanding of my mandate and the expectations and limitations of my role.

In February, I had the pleasure of presenting eleven Ombudsman Awards to members of the Ontario Public Service who had, in the opinion of our staff measured against defined criteria, demonstrated outstanding public service in complaints resolution.

Those persons represented four Ministries: Health and Long Term Care (Psychiatric Patient Advocate Office); Natural Resources; Community and Social Services (Social Benefits Tribunal); and Correctional Services.

In participating with my staff in choosing those who would be awards recipients I was, as I am in my daily complaints resolution work, reminded how very able most public servants are and how desirous they are of performing their service well. Mistakes

Most Ontario public servants, when made aware of error or unfairness are anxious to remedy the matter and therefore, a very large percentage of our complaints are resolved within a matter of days or weeks.

and even unfairness inevitably occur when such an enormous number of government services are provided and so many daily tasks are performed; only rarely, in my experience can these be attributed to ill will or malfeasance. Most Ontario public servants, when made aware of error or unfairness are anxious to remedy the matter and therefore, a very large percentage of our complaints are resolved within a matter of days or weeks.

An example of good public service and a quick resolution of complaint arose when over fifty community college students attended our office to file complaints about the delay in government certification of their college and its impact on their student loan applications. These students were unable to obtain the release of their student loans and had been placed in financial jeopardy as a result of the delay. Our staff processed all of these complaints in approximately two hours and through early discussions with the Ministry, the loans were released without further delay. While the issue of government certification of the college remains under review, matters such as these are a credit to my staff and to those public servants involved and give me much satisfaction as Ombudsman.

Much of the work of the Ombudsman generally and of this office in particular is conducted non-adversarially. While we are unable to provide the requested result to all those who complain to us, we are able to lift the veil on the process under complaint, to make its operation transparent and to provide considered attention to the issue. We are also able to address complaints not only individually but if they are representative of recurring problems, systemically.

Over the past several years this office has paid considerable attention to the performance of the Family Responsibility Office (FRO) of the Ministry of Attorney General. Through many complaints, a number of issues have arisen and many have been addressed successfully but this important office, which is charged with enforcing spousal and child court ordered support orders and collecting and disbursing funds has continued to experience severe service delivery problems. In my first annual report delivered in June 2000, I reported that I had withdrawn my predecessor's recommendations from presentation to the Standing Committee on the Legislative Assembly, in part as the information contained in the report upon which the recommendations were based was out of date.

I subsequently initiated an investigation on my own motion to examine the FRO's computer system in relation to client service impact. It became evident that the FRO's failure to meet previous undertakings to the Ombudsman with consequent continued inadequacy in service delivery, was the result of outdated and significantly ill-suited supporting technology which, in my view, must be replaced if the FRO is to meet its mandate effectively. As Ombudsman, I am unable to order government or its Ministries to do anything by way of remedy but I am granted the authority to make recommendations and if I deem it to be necessary, to advocate for changes. As set out in detail later in this report, I recommended that the Ministry of the Attorney General take all steps necessary to secure adequate resources to permit the FRO to meet its mandate. The Ministry responded positively to this recommendation and has sought from the Management Board of Cabinet the funding necessary to permit a full but time limited evaluation of the need for necessary repair. I am of the view that the existing computer system has met its limit in adapting to the FRO's needs and requires replacement. I have accordingly closed my file and will monitor the matter until a decision is made whether to undertake such consultation and if so, until the consultation is complete and any recommendations are made. At that time, I will consider my position.

The Ministry of Correctional Services has embarked on a pilot project involving privatization of one of its correctional facilities to be situated in Penetanguishene. Certain other privatization initiatives have resulted in the loss of Ombudsman jurisdiction and its attendant loss of accountability. Accordingly, I entered into discussions with the Ministry regarding maintaining the right of complaint to the Ombudsman by prisoners incarcerated in privatized facilities. The Ministry responded favourably by including

provisions in the legislation enabling privatization and in the proposed contract with the private contractor to be chosen, in order to ensure that my full jurisdiction over complaints from inmates within the privatized facility is retained.

Concurrently, I have been addressing the internal implications of an office which has been previously downsized by some thirty percent and necessarily restructured to meet that reality, while facing unabated public demand for quality service. There is an ongoing examination and evaluation of our systems and processes to ensure the most effective use of our resources in delivering quality service. To that end, I have recruited a Director of Investigations and Complaints Resolution, a position held vacant as a result of the organizational downsizing.

At the conclusion of my first year in office and having developed a true understanding of the demands of the office, in concert with my staff, I have defined our strategic priorities for the next two years and shared that plan with the Standing Committee on the Legislative Assembly. This endeavour has been particularly timely, given our celebration of the twenty-fifth anniversary of the creation of the office. As Ontario's fifth Ombudsman, I am charged with building upon the achievements of my predecessors and with ensuring that our service meets current and future public and government expectations.

We intend to concentrate on making relevant and effective choices for investigations; to undertake a strategically positioned community education and outreach program that raises awareness of the office across the province and facilitates access to our service; to deliver core business outcomes against organizational standards and; to enhance human resources management in support of long term staff satisfaction and performance improvement.

Of particular concern to me as Ombudsman is our having noted the considerable under-representation of complaints from the Greater Toronto Area (GTA) at only fifteen percent of our province-wide complaint base. We are undertaking a pilot project to heighten awareness within the GTA of Ombudsman Ontario's role and are committing resources to achieve that goal. This pilot project will operate for one year with built-in planning, implementation and evaluation mechanisms. It will take some care to engage those who through socio-economic disadvantage often have the least awareness of or face the greatest barriers to accessing our service and may often have the greatest need.

In conclusion, I consider community education to be necessary because I believe that it is important for the people of Ontario to understand that the right to fair and equitable treatment by government is a fundamental part of the democratic process and that the office of the Ombudsman exists to help ensure that fundamental value is entrenched and acted upon routinely.



**Clare Lewis, O.C.**  
Ombudsman



# Today...

**"I was accountable for my actions."**

This has been a year of tremendous change for Ombudsman Ontario... despite the uncertainty associated with a change in leadership, the work of the organization continued apace.

YEAR IN REVIEW

COMPLAINTS

CASE STUDIES



## YEAR IN REVIEW

• [Ombudsman Ontario](#)  
• [Ontario's First Ombudsman](#)  
• [Ontario's First Ombudsman](#)  
• [Ontario's First Ombudsman](#)  
• [Ontario's First Ombudsman](#)  
• [Ontario's First Ombudsman](#)

[View the Photo Galleries](#)

Ombudsman Ontario continues to open its doors to other jurisdictions around the world that seek to learn from our investigative and information technology experience.

With the advent of a new strategic plan and the imprint of the new Ombudsman, a number of activities have been underway within the organization to support our new directions. The past year has seen several changes to Ombudsman Ontario staff. We have had a busy time of recruitment as a result of staff turnover through attrition, retirement and staff seeking other opportunities.

The Access Centre, which often acts as a feeder pool for promotional opportunities to the Ombudsman Representative position, has seen significant turnover and promotional opportunities for those staff members. We have also recruited a new Communications Manager, a Manager for the Corrections Unit and a Director of Investigations and Complaints Resolution. An additional Legal Advisor is currently being recruited to bolster our legal and policy capacity.

With the agreement of the Office and Professional Employees International Union (OPEIU), Ombudsman Ontario entered into a Memorandum of Understanding that provides bargaining unit employees the opportunity to act in management positions with no loss of seniority or other benefits upon their return to the bargaining unit position. This agreement provides staff with developmental opportunities and supervisory experience. Other methods are being sought to create such learning opportunities including job shadowing and the use of underfill positions.

The training program of the past two years has undergone evaluation and a new Needs Assessment has been conducted to ensure that staff skills are optimized and current. To that end, a new training program is currently in the works with some ongoing initiatives such as leadership development, dealing with stress and working effectively in teams. Our annual conference in November 2000 also provided us with an opportunity to both share information and learn from others.

We have now introduced the Intranet to Ombudsman Ontario and our computerized Case Management System continues to draw national and international attention. As this Annual Report goes to print, we are also installing a new telephone system for the office in order to provide better service to the public.

Our lease for our office space at 125 Queens Park in Toronto was renewed for a period of five years and our regional offices in Ottawa, Sudbury and Thunder Bay have moved to new locations that provide better access to the public. Our London and Sault Ste. Marie offices have remained in the same premises.

Ombudsman Ontario continues to open its doors to other jurisdictions around the world that seek to learn from our investigative and information technology experience. Over the past year we have had a number of Ombudsman delegations from various parts of the world including Bulgaria, Malaysia and Thailand. A Thai delegation of both investigator and information technology staff will be returning to our office in order to learn more about our systems and processes.

The Ombudsman of Namibia and the Public Protector of South Africa have requested that Ombudsman Ontario design a workshop on conducting effective investigations for the investigative staff of eight southern African Ombudsman offices. This workshop is coming to fruition at the same time as the Ombudsman for Ontario, Clare Lewis, was unanimously elected to the North American Board of Directors of the International Ombudsman Institute.

**STATEMENT OF EXPENDITURE:** FOR THE YEAR ENDED MARCH 31, 2001

Expenditure	00/01 Estimates \$	00/01 Actual \$	99/00 Actual \$
Salaries and Wages	4,909,100	4,591,199	4,626,735
Employee Benefits (note 3)	1,009,400	956,245	1,002,006
Transportation and Communication	509,600	449,460	452,245
Services	1,405,900	1,480,633	1,404,615
Supplies and Equipment	272,800	627,178	295,974
Sub Total	8,106,800	8,104,715	7,781,575
Less Miscellaneous Revenue	0	25,430	10,545
<b>Net Expenditure</b>	<b>8,106,800</b>	<b>8,079,285</b>	<b>7,771,030</b>

See accompanying notes to financial statement.

Approved:



Ombudsman

**NOTES TO FINANCIAL STATEMENT:** MARCH 31, 2001**1. ACCOUNTING POLICIES****a) Basis of accounting**

Ombudsman Ontario uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.

**b) Furniture, equipment and leasehold improvements**

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

**2. EXPENDITURE AND MISCELLANEOUS REVENUE**

Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

**3. PENSION PLAN**

Ombudsman Ontario provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) established by the Province of Ontario.

Ombudsman Ontario's contribution related to the PSPF for fiscal year 2000/2001 was \$264,546 (2000 - \$338,030) which is included in employee benefits.

## AUDITOR'S REPORT

Office of the  
Provincial Auditor  
of Ontario



Bureau du  
vérificateur provincial  
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2  
B.P. 105, 15e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2  
(416) 327-2381 Fax: (416) 327-9862

To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2001. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 2001, in accordance with the accounting policies described in note 1 to the financial statement.

J.R. McCarter, CA  
Assistant Provincial Auditor

Toronto, Ontario  
May 4, 2001

## SALARY DISCLOSURE

The following list of those earning \$100,000 or more in T4 income for the year 2000 is being reported in accordance with the *Public Sector Salary Disclosure Act 1996*:

Clare Lewis, Q.C.	
Ombudsman	
T4 Income	\$135,576.91
T4 Taxable Benefits	\$1,871.00

Fiona Crean	
Executive Director	
T4 Income	\$137,017.50
T4 Taxable Benefits	\$370.32

## SURVEY DATA RESULTS

Ombudsman Ontario will use the results of the survey to help shape the delivery of our programs over the coming year, in particular community education and outreach efforts in the Greater Toronto Region...

The Ombudsman is committed to providing services that are responsive to the needs of the diverse communities we serve. In order to meet this goal, we survey complainants to get a better idea of who contacts the Ombudsman. The survey, which is voluntary, collects information about gender, age, race, disability, parental status, First Nations/Aboriginal status and household income.

This year's statistics reflected a drop in the proportion of complainants coming from certain demographic categories in our survey. Of note, the percentage of complainants identifying themselves as poor declined 5 percent from last year, going from 54 percent to 49 percent, while the proportion of respondents with a disability dropped from 32 percent to 29 percent. Also exhibiting a decline was the proportion of complainants who are sole support parents falling from 15 percent to 13 percent. The percentage of complainants who are women remained stable at 47 percent.

Excluding complaints from individuals about the Ministry of Correctional Services, the overall number of complaints about provincial organizations rose 2.8 percent this year from 7882 to 8099. As was the case last year, three ministries received the largest number of complaints: the Ministry of the Attorney General, the Ministry of Labour and the Ministry of Community and Social Services. These three ministries accounted for 54 percent of all non-correctional complaints, a decline of 4 percent from the previous year. Over 50 percent of complaints received by these three ministries were from people with low incomes and just under half (48 percent) were from people with disabilities.

### **Ministry of the Attorney General**

The Ministry of the Attorney General accounted for just under a quarter (23 percent) of all non-correction related complaints. Women made up 49 percent of complaints against the Ministry. More than half of all complainants in the survey identifying themselves as sole support parents made their complaint against the Attorney General, an amount unchanged from last year. The high proportion of complainants who are sole-support parents and women is explained by the presence of the Family Responsibility Office in the Ministry of the Attorney General; it accounted for 17 percent of all complaints. Repeating a similar pattern from last year, almost 90 percent of women and over 90 percent of sole support parents making a formal complaint about the Ministry of the Attorney General had concerns with the Family Responsibility Office. Twenty-seven percent of provincial government complaints received from First Nations and Aboriginal peoples were about the Family Responsibility Office, an increase of 7 percent over the previous year.

### **Ministry of Labour**

The percentage of complaints made against the Ministry of Labour declined slightly to 18 percent from last year's level of 19 percent. Individuals with disabilities accounted for 70 percent of the complaints directed against the Ministry of Labour. Largely unchanged at 69 percent as well was the percentage of men making a complaint about the Ministry. Within the Ministry of Labour, the Workplace Safety and Insurance Board accounted for 63 percent of all complaints about this Ministry, and repeating a pattern from the previous year the Board was the provincial agency receiving the second largest number of complaints overall at 11 percent. The number of persons with disabilities making a complaint about the Board remained almost unchanged at 78 percent.

### **Ministry of Community and Social Services**

Twelve percent made up the complaints relating to the Ministry of Community and Social Services. Almost 77 percent of individuals with complaints about this Ministry were people with disabilities, while 85 percent identified themselves as poor. Just over 60 percent of complaints about this Ministry were about the Ontario Disability Support Program, a program that accounted for 8 percent of all complaints against provincial organizations.

## Other Highlights

Two percent of this year's complaints came from youth. The distribution of complaints from youth was concentrated in several ministries, the Ministry of Training, Colleges and Universities (28 percent), the Ministry of Transportation (12 percent), the Ministry of Community and Social Services (11 percent) followed by the Ministries of Labour and the Attorney General both at 10 percent. As might be expected, almost 90 percent of complaints from youth about the Ministry of Training Colleges and Universities related to the Ontario Student Assistance Program.

Complaints from people who are seniors remained fairly stable at 7 percent. Among the ministries receiving the highest number of complaints from this group were the Ministry of Health and Long-Term Care and the Ministry of Labour.

Repeating a trend from last year, First Nations and Aboriginal peoples, though accounting for about 2 percent of Ontario's population comprised 4 percent of survey respondents. This overrepresentation is likely related to the fact that many First Nations and Aboriginal peoples live in northern Ontario, a part of the province where Ombudsman Ontario's community education efforts are strong.

The proportion of survey respondents identifying themselves as racial minorities rose again this year to 8 percent. However, this group remains relative to their numbers in the province, underrepresented in Ombudsman Ontario's complainant base, given that they account for 16 percent of Ontario's population.

Ombudsman Ontario will use the results of the survey to help shape the delivery of our programs over the coming year, in particular community education and outreach efforts in the Greater Toronto Region, where over half of the province's racial minorities reside.

## COMPLAINTS ABOUT US

For the past five years, Ombudsman Ontario has maintained a system for reviewing complaints from the public or government officials who are dissatisfied with the handling of their complaint by our office. By addressing such complaints, we ensure that we are meeting our goals of equitable and timely service, as well as providing an opportunity to improve our service delivery.

This year we received 33 complaints compared to 28 in the previous year and 54 in the fiscal year ending March 1999. Of the complaints received this year, two complaints concerned the delay or lack of contact with staff and 23 were about decisions or outcomes of complaints or investigations. Six were complaints about staff conduct, while two complaints concerned Ombudsman Ontario policy.

With respect to the two complaints regarding delay or lack of contact with staff, in one complaint, the Ombudsman sent a letter of apology to the complainant noting that the length of time was unacceptable. The second complaint is under review.

Of the 23 complaints received about decisions or outcomes of complaints or investigations, five were addressed by advising the complainant how their file was reviewed. The role of the Ombudsman was explained in three complaints. No further action was taken in three other complaints because no new information was provided regarding the original complaint. Two complaints concerned our review of decisions of administrative tribunals. The Ombudsman's role in reviewing such decisions means that our office does not re-adjudicate cases or issue substitute decisions, but rather examines whether an administrative process followed by a tribunal in rendering its decision was fair.

One complainant withdrew his complaint. Nine other complaints are at various stages of the review process.

We received six complaints about staff conduct and in each case the staff member involved was directed to address the concerns being raised. In one complaint, the complainant provided additional information that was further reviewed but did not alter the Ombudsman's opinion. In another complaint, the role of the Ombudsman in reviewing tribunal decisions was further explained. In another instance, we acknowledged our error and apologized to the complainant. Two other complainants were dissatisfied with the manner in which their complaint was handled by staff. Upon reviewing the matters, the Ombudsman responded by expressing his support for his staff's actions. One complaint remains under review by the manager.

One complaint was received regarding the Ombudsman's practice of not disclosing the contents of investigative files to complainants except for information provided directly to a complainant. In this case, the complainant was advised that Ombudsman investigations are to be conducted in private and consistent with the confidential nature of the office, the Ombudsman is not subject to the Freedom of Information and Protection of Privacy Act. A second complaint regarding the Ombudsman's policy of not disclosing information to third parties is still under review.

As reported in the 1999 - 2000 Annual Report, the Complaints About Us program was evaluated during this past year. In early 2001, staff undertook a review of our "Complaints About Us" policy and modifications were made to improve the program. Complaints received will now be classified into one of three categories: complaints about decisions, opinions and the disposition of a file; complaints about staff conduct; and complaints about organizational policies and procedures. Streamlining of the process has also taken place.

If you have a complaint about us, you are encouraged to discuss the complaint first with the Ombudsman Ontario staff member who has been dealing with your file. Complaints may also be directed to any member of the Investigations and Complaints Resolution management team, the Executive Director or the Ombudsman. Complaints may be forwarded to us in writing, by telephone, in person, by fax, TTY or visit our web site at [www.ombudsman.on.ca](http://www.ombudsman.on.ca).

## GETTING THE MESSAGE OUT

Ombudsman Ontario communicates its message and purpose through a three-pronged approach that includes broad corporate communications, a more focused public education program and specifically targeted community-based efforts.

Ombudsman Ontario communicates its message and purpose through a three-pronged approach that includes broad corporate communications, a more focused public education program and specifically targeted community-based efforts.

The corporate communications program carries the Ombudsman's messages to an audience that reaches from the Legislature and the public service through to the public at large. To that end, the Ombudsman publishes Annual Reports, periodic special reports, a quarterly newsletter (Connection), pamphlets and flyers in approximately 24 different languages. Ombudsman Ontario's corporate communications include the use of public service announcements, a website, videos, publications and press conferences.

At the same time, a Public Education program is operated across the province by a number of front line staff, senior management and the Ombudsman through the delivery of speeches, workshops, networking and attendance at a variety of public events. The Public Education program includes occasions such as open houses and other events for members of the Legislature, public servants and a variety of groups within the public at large.

The Community Education program is the third prong of this approach. It is specifically targeted at a community level and is intended to get the message out to those communities and individuals that are most likely in need of government services and least likely to know about Ombudsman Ontario. Ombudsman Ontario's Community Education Program plays an important role in raising public awareness about our services and facilitating the process of mutual engagement and learning with community based stakeholder groups throughout the province. In the fiscal year 2000-2001, Ombudsman Ontario staff participated in just over 400 community education and outreach activities, reaching approximately 40,000 people across Ontario.

Among the numerous events we attended this year were:

- Guelph Multicultural Festival
- New Liskeard Town and Country Fair
- United Way Information Fair, Sault Ste. Marie
- Canadian First Nations/Aboriginal Festival, Toronto
- Pride 2000 events in Toronto
- Franco-fête (Francophone Festival), Toronto
- Canadian Mental Health Association Conference, Sudbury

We also met with and made presentations to such groups and organizations as:

- Chippewas of Nawash First Nation
- Association for Community Living, North Bay
- Centre des services familiaux de Prescott-Russell
- Mount St. Joseph College, Sault Ste. Marie
- Township of White River
- Baycrest Centre for Geriatric Care, North York
- India Rainbow Community Services
- Social Development Council of Toronto

Since the closure of regional offices in Timmins, North Bay, Kenora, and Windsor special emphasis has been placed on reaching these communities and regions through intake clinics. This year, intake clinics were held in such locations as the Windsor Occupational Health Centre, Ministry of Northern Development Offices in North Bay, and the Attawapiskat First Nation in James Bay.

With the stabilization of staff and funding levels, a renewed emphasis on community education is being made in the Greater Toronto Area (GTA) after a hiatus of almost five years. Statistics indicate that individuals from this region are underrepresented in Ombudsman Ontario's complainant base. An evaluation of this year's activities in the GTA has been completed and resulted in the development of a new strategic plan. The plan will help guide and focus our community education and outreach activities in this important region of the province.

Finally, the monitoring and tracking of community education and outreach efforts were greatly enhanced this year by the development and implementation of a computerized recording system in our case management system. The system not only assists staff in scheduling activities but also provides the organization with important demographic data which can be used in measuring the program's success.

**OMBUDSMAN ONTARIO STAFF LIST: MARCH, 2001**

**COMPLAINTS RESOLUTION TEAMS**

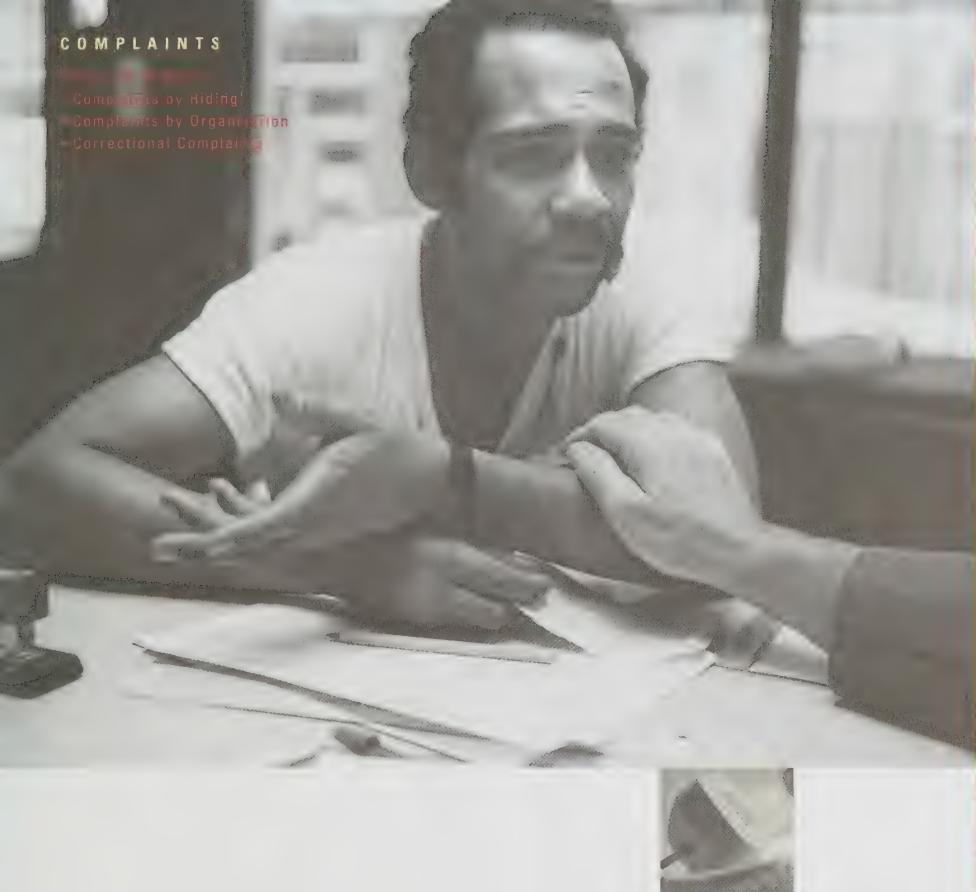
Ombudsman Clare Lewis, Q.C.	Director of Investigations & Complaints Resolution Lenna Bradburn	Manager Sue Haslam	Manager Sue Haslam	Administrative Secretary Denise Salmon
Administrative Assistant Ingrid Lasrado	Supervisor Eva Kalisz	Team Leader Millicent Dixon	Team Leader Tim Arkell	Manager Asia Sultan
Executive Director Fiona Crean	Marie-Claire Muamba (Acting)	James Nicholas (Acting) Administrative Secretary Betty Baker	Administrative Secretary Kamala Kirushna	Team Leader Mary Elizabeth Nugent Cathy Evans-Rea
Executive Assistant Rachel Olaso- Pezeshkian	Access Representatives Monique Bokya-Mboyo	Ombudsman Representatives Naomi Bambara	Ombudsman Representatives Michelle Amaral	Corrections Clerk Lourdes Legardo
Administrative Secretary Susan Mason	Zalina Deodat Claire Giroux Marcel Grimard Anne Sophie Leduc Johanne Safer Michelle Touchette	Danielle Barbeau- Rodrigue Alphonse Barklage Irene Buncel Lira Hugh Investigators Kwame Addo Gerry Carlino Kathy Penfold Elizabeth Weston Barbara Worthington	Robin Bosworth Hannahie Ethier Micheline Gagné Pauline Gignac Amita Shunglu Laura Spiers Pam Young Investigators Calvin Blackwood Mary Jane Fenton Anita Glasier Barbara Kiesecker	Winsome Cain Joane De Varennes Chakib El Hakmaoui Sharon Fowler Anne Hart Esla Hutchinson George La Rosa Nicole LeBlanc Lourine Lucas Beena Rajendra Joe Semenciw Gabriella Trotta Investigators Barbara Hirst Matilda Presner Rosie Dear

FINANCE & ADMINISTRATION	COMPLAINTS ANALYSIS & INFORMATION	POLICY, LEGAL, RESEARCH AND COMMUNICATIONS	HUMAN RESOURCES
Manager John Allan	Manager Duncan Newport	Policy Manager Juan Gomez	Human Resources Coordinator Joyce Leonard
Administrative Assistant Dora Gimenez-Dixon	Programmer Analysts Kwasi Frimpong Dianne King	Manager, Communications Gail Scala	Administrative Secretary Grace Domingo
Accounting Analyst Judith Lee	Clerical & Technical Support Suzanne Bernier	Administrative Secretary Dean Morra	
Client Services Representative Wolfgang Schulz	Records & Archives Technician Jackie Correia	Legal Advisors Laura Pettigrew Wendy Ray	
Word Processing Operators Maureen Bourns Jackie Holmes	End User Support Joyce Coolman	Analyst/Investigator Lorraine Boucher	
		Research Assistant Sherrie Nicholson	

Complaints by Riding

Complaints by Organization

Correctional Complaints



**"My complaint was heard."**

In 2000/2001 Ombudsman Ontario statistics show a total of 26,538 complaints and inquiries received... Positive improvements occurred in our complaint-handling this year on a number of fronts.

## THE COMPLAINT: STORY IN NUMBERS

Complaints which required a full formal investigation were dealt with in a more timely manner in 2000/01.

Ombudsman Ontario received 26,538 complaints and inquiries in 2000/2001, representing an increase of 16.8 percent over the 22,720 received in the preceding year.

Complaints and inquiries concerning provincial government organizations saw an overall increase of 13.7 percent in 2000/2001. Of note was the increase in complaints about provincial organizations (non-Correctional) which rose 2.83 percent reversing a trend of recent years. Among the provincial organizations that saw above average increases in their complaint numbers were:

- The Ontario Rental Housing Tribunal up 95 percent from 89 to 175 complaints
- Legal Aid Ontario up 95 percent from 74 to 144 complaints
- The Ontario Student Support Program up 43 percent from 166 to 238 complaints
- Ontario Health Insurance Plan up 39 percent from 100 to 139 complaints

The increase of 27 percent over the previous year in correctional complaints and inquiries reflects the continued impact of changes occurring within the Ontario correctional system.

In terms of how our office receives complaints, this past year saw an increase of 65 percent in the number of complaints and inquiries brought to our attention at intake clinics held throughout the province.

Reflective of the wider diffusion of information technology through society, the use of the Internet to contact our office with a complaint or inquiry has also increased by almost 50 percent.

Worth noting is the 21.8 percent increase of complaints and inquiries against non-provincial organizations, such as municipal, federal and private organizations. This increase is due to increasing numbers of complaints the office is receiving about such organizations as well as internal changes Ombudsman Ontario has made in coding procedures for tracking such inquiries. As these complaints and inquiries are not within our jurisdiction to address, referral information is provided to the public by staff in our Access Centre.

In operational terms, Ombudsman Ontario's complaint handling processes have allowed us to manage a large volume of complaints effectively. While 75 percent of the 16,206 complaints and inquiries against provincial government organizations – our core business – were closed within 20 days of receipt, 50 percent were actually closed within five days.

Complaints which required a full formal investigation were dealt with in a more timely manner in 2000/01 as well. The average time from opening to closing a complaint was 10.5 months, a decrease from 12 months over last year. This time includes an average of 1.5 months in our managed Complaints Register to which a complaint file is first logged prior to assignment to an investigator. Complaints are placed in the Complaints Register after a preliminary assessment and are assigned to investigative staff as their caseload permits, allowing us to ensure that investigators have manageable caseloads and as a consequence complaints are processed more efficiently.

Complaints that proceeded to the formal investigation stage in 2000/2001 had a variety of outcomes. The Ombudsman resolved 12 percent of these in favour of the complainant. The government's action was found to be appropriate in 5 percent of the cases but suggestions were made to the various ministries in another 10 percent of cases. The Ombudsman did not support 17 percent of the complaints formally investigated. Another 44 percent of cases were discontinued prior to a formal recommendation and 10 percent of complaints were withdrawn.

As part of our ongoing evaluation program, we have established that internal coding procedures often do not adequately capture the nature of the work done and the results obtained. We have therefore revised our recording methods in order to better reflect the outcome of complaints and inquiries. These changes will be used to report the complaint numbers as they appear in next year's Annual Report.

## COMPLAINTS AND INQUIRIES: CLOSED DURING 2000 - 2001

	Total		
	00-01	99-00	98-99
Provincial	16,206	14,245	14,391
Municipal	1,885	1,428	2,484
Federal	1,539	1,130	1,781
Private	6,077	5,350	8,339
Courts	513	424	567
Other	318	143	1,774
Total Non-Provincial	10,332	8,475	15,005
<b>Totals</b>	<b>26,538</b>	<b>22,720</b>	<b>29,396</b>

## OUTCOME OF COMPLAINTS AND INQUIRIES: CLOSED DURING 2000 - 2001

	Non Provincial			All Provincial			Provincial Government														
	00-01			99-00			00-01			99-00			98-99			00-01			99-00		
	00-01	99-00	98-99	00-01	99-00	98-99	00-01	99-00	98-99	00-01	99-00	98-99	00-01	99-00	98-99	00-01	99-00	98-99	00-01	99-00	98-99
Investigation discontinued by Omb.				2,117	1,473	909	1,461	995	459	656	478	450									
Investigation discontinued by complainant				830	968	826	768	930	773	62	38	53									
Resolved by Omb. in favour of complainant				232	158	182	163	85	89	69	73	93									
Resolved by Omb. in favour of government				118	54	73	43	0	4	75	54	69									
Resolved Independently				174	89	112	166	81	101	8	8	11									
Resolution facilitated / Referral given / Inquiry made	10,242	8,415	14,925	12,402	11,131	11,746	5,350	4,136	3,057	7,052	6,995	8,689									
No action possible	90	60	84	333	372	543	148	136	306	185	236	237									
<b>Totals of all resolutions</b>	<b>10,332</b>	<b>8,475</b>	<b>15,009</b>	<b>16,206</b>	<b>14,245</b>	<b>14,391</b>	<b>8,099</b>	<b>6,363</b>	<b>4,789</b>	<b>8,107</b>	<b>7,882</b>	<b>9,602</b>									

## GLOSSARY

- **Resolution facilitated / referral given / inquiry made:** Assistance given to resolve a problem through discussion, inquiries of the organization complained about, information shared or other tangible methods of resolution; by giving name and phone number of appropriate jurisdictional organization; or actually calling the organization to confirm jurisdiction to handle the matter and make inquiries.
- **No action possible:** No assistance can be given as the problem can not either adequately be defined, the information given does not require the Ombudsman to take action, the complainant is anonymous, or it is beyond our capacity to facilitate a resolution.
- **Discontinued by Ombudsman or complainant:** The investigation is discontinued because either receipt of additional information

indicating further investigation is unnecessary, the agency has taken immediate steps to resolve the problem, the Ombudsman has previously investigated the case, or the complainant does not wish to pursue the matter further for various reasons.

- **Resolved by Ombudsman in favour of complainant:** The complaint is supported in favour of the complainant.
- **Resolved by Ombudsman in favour of the government:** The complaint was not supported. In some cases suggestions for change of policy or systems are recommended to the governmental organization.
- **Resolved by other means:** The complaint is resolved with minimal involvement of the Ombudsman.

**IN ORDER OF FREQUENCY, THE MOST COMMON TYPES OF COMPLAINTS INVESTIGATED BY OMBUDSMAN ONTARIO THIS YEAR WERE:**

<b>TYPES OF COMPLAINTS</b>		<b>Rank Previous Year</b>
1	Adverse impact or discriminatory consequence of a decision or policy on an individual or group	2
2	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	5
3	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1
4	Harassment by a governmental official; bias; mismanagement; bad faith	9
5	Failure to adequately or appropriately communicate with a complainant	3
6	Denial of service	7
7	Insufficient reasons for a decision or no reasons given	6
8	Inadequate or improper investigation was conducted	4
9	Other	11
10	Unreasonable delay	8
11	Failure to keep a proper record	10
12	Unfair settlement imposed; coercion	12
13	Failure to provide sufficient or proper notice	13
14	Omission to monitor or manage an agency for which the governmental organization is responsible	14



**COMPLAINTS AND INQUIRIES BY PROVINCIAL RIDINGS EXCLUDING COMPLAINTS AGAINST THE MINISTRY OF CORRECTIONAL SERVICES\***

RIDING	Total	RIDING	Total	RIDING	Total
Algoma - Manitoulin	293	Kingston and The Islands	108	Prince Edward - Hastings	60
All Ontario - Systemic	2	Kitchener - Waterloo	82	Renfrew - Nipissing - Pembroke	77
Ancaster - Dundas - Flamborough - Aldershot	36	Kitchener Centre	78	Sarnia - Lambton	155
Barrie - Simcoe - Bradford	81	Lambton - Kent - Middlesex	85	Sault Ste. Marie	378
Beaches - East York	42	Lanark - Carleton	67	Scarborough - Agincourt	23
Bramalea - Gore - Malton - Springdale	48	Leeds - Grenville	70	Scarborough - Rouge River	22
Brampton Centre	53	London - Fanshawe	79	Scarborough Centre	48
Brampton West - Mississauga	47	London General Area	7	Scarborough East	36
Brant	83	London North Centre	100	Scarborough Southwest	55
Bruce - Grey - Owen Sound	154	London West	69	Simcoe - Grey	61
Burlington	48	Markham	31	Simcoe North	150
Cambridge	71	Mississauga Centre	25	St. Catharines	72
Chatham - Kent - Essex	165	Mississauga East	40	St. Paul's	52
Davenport	33	Mississauga General Area	4	Stoney Creek	44
Don Valley East	38	Mississauga South	68	Stormont - Dundas - Charlottenburgh	76
Don Valley West	51	Nepean - Carleton	29	Sudbury	137
Dufferin - Peel - Wellington - Grey	75	Niagara Centre	81	Thornhill	35
Durham	44	Niagara Falls	46	Thunder Bay - Atikokan	82
Eglinton - Lawrence	37	Nickel Belt	118	Thunder Bay - Superior North	155
Elgin - Middlesex - London	109	Nipissing	164	Thunder Bay General Area	4
Erie - Lincoln	64	Northumberland	62	Timiskaming - Cochrane	195
Essex	66	Oak Ridges	28	Timmins - James Bay	140
Etobicoke - Lakeshore	67	Oakville	42	Toronto Centre - Rosedale	127
Etobicoke Centre	24	Oshawa	54	Toronto Danforth	67
Etobicoke North	71	Ottawa - Centre	63	Toronto General Area	21
Glenarry - Prescott - Russell	70	Ottawa - Orleans	65	Trinity - Spadina	74
Guelph - Wellington	135	Ottawa - South	43	Unknown	132
Haldimand - Norfolk - Brant	141	Ottawa - Vanier	52	Vaughan - King - Aurora	26
Haliburton - Victoria - Brock	91	Ottawa West - Nepean	92	Waterloo - Wellington	54
Halton	69	Ottawa General Area	8	Wentworth - Burlington	0
Hamilton East	80	Out Of Province/International	328	Whitby - Ajax	42
Hamilton General Area	3	Oxford	76	Willowdale	35
Hamilton Mountain	57	Parkdale - High Park	74	Windsor - St. Clair	67
Hamilton West	73	Parry Sound - Muskoka	101	Windsor General Area	8
Hastings - Frontenac - Lennox and Addington	84	Perth - Middlesex	80	Windsor West	77
Huron - Bruce	95	Peterborough	72	York Centre	67
Kenora - Rainy River	198	Pickering - Ajax - Uxbridge	43	York North	72
				York South - Weston	57
				York West	20

\* Where address information is available

**COMPLAINTS AND INQUIRIES AGAINST PROVINCIAL GOVERNMENT ORGANIZATIONS BY FINAL RESOLUTION**

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Investigation Discontinued By Com'l	Investigation Discontinued By Omb.	Resolution Facilitated/Referral Given/Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.					
<b>MANAGEMENT BOARD OF CABINET</b>						1	1	2
Civil Service Commission					1	10	1	12
Management Board Secretariat					1	18	1	20
Ontario Lottery and Gaming Corporation					5	10		15
Ontario Pension Board					5	8	1	14
Ontario Realty Corporation					1	9	1	11
Management Board of Cabinet - Other								
<b>MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS</b>						4		4
Francophone Affairs - Other								
<b>MINISTER RESPONSIBLE FOR NATIVE AFFAIRS</b>						1		1
Native Affairs - Other								
<b>MINISTER RESPONSIBLE FOR SENIORS</b>						2		2
Seniors - Other								
<b>MINISTRY OF AGRICULTURE, FOOD, AND RURAL AFFAIRS</b>								
Agricorp						1		1
Agriculture, Food and Rural Affairs Tribunal							1	3
Ontario Chicken Producers Marketing Board						1		1
Crop Insurance Appeal Board						1		1
Farm Product Marketing Tribunal						1		1
Farm Tax Rebate Appeal Board						2		2
Ontario Apple Marketing Commission						1	3	4
Ontario Drainage Referee						1		1
The Ontario Pork Producers Marketing Board						2	7	1
Agriculture, Food and Rural Affairs - Other								10
<b>MINISTRY OF CITIZENSHIP</b>								
Ontario Human Rights Commission				10		2	45	152
Citizenship - Other						7	7	13
<b>MINISTRY OF COMMUNITY AND SOCIAL SERVICES</b>								
Adoption Disclosure Register						5		5
Child and Family Services Review Board						1		1
Children Psychiatric Research Institute						1	1	2
Comsoc Young Offenders Open Custody/Detention Facilities - Other					7	1	1	9
Comsoc Young Offenders Secure Custody/Detention Facilities - Other						1	10	1
Developmental Services Branch						1	2	12
Disability Adjudication Unit						2	51	10
Family Benefits						2	19	54
Huronia Regional Centre						1		26
Office of Child and Family Service Advocacy						1		1
Ontario Disability Support Program						1	17	18
Rideau Regional Centre						1		1
Social Assistance Review Board						1		3
Social Benefits Tribunal						1		1
Southwestern Regional Centre						1		125
Community and Social Services - Other						13	85	4
<b>MINISTRY OF CONSUMER AND BUSINESS SERVICE</b>								
Alcohol and Gaming Commission of Ontario						4	26	3
Board of Funeral Services						1		33
Business Practices Division						1	20	1
Licence Appeal Tribunal						1	7	8
Liquor Control Board of Ontario						2	6	8
Ontario Real Estate Commission						1		1
Registrar General						1	46	47
Commercial Registration Appeal Tribunal						1	1	2
Consumer and Business Services - Other						4	78	1
<b>MINISTRY OF CORRECTIONAL SERVICES</b>								
Correctional Centres	25	11		48	161	315	1145	31
Detention Centres	98	12		59	308	609	2306	67
Jails	29	8		48	224	388	1588	45
Ontario Board of Parole					1	4	27	32
Probation and Parole Services					2	4	25	31
Treatment Centres	2			4	13	56	77	2
Young Offender Centres	7			6	36	68	109	2
Young Offenders Open Custody/Detention Facilities - Other	2	3		1	17	10	38	71
Young Offenders Secure Custody/Detention Facilities - Other					3	1	7	11
Correctional Services - Other				1	3	6	28	1
<b>MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE</b>								
Ontario Energy Corporation						1		1
Ontario International Trade Corporation						8		8
Economic Development and Trade - Other								
<b>MINISTRY OF EDUCATION</b>								
Languages of Instruction Commission of Ontario						1		1
Special Education Appeal Board						2		2
Education - Other						37	1	43
<b>MINISTRY OF ENERGY, SCIENCE AND TECHNOLOGY</b>								
Ontario Energy Board						11	17	17
Ontario Hydro						66	1	78
Energy, Science and Technology - Other						1		1
<b>MINISTRY OF THE ENVIRONMENT</b>								
Drive Clean Office						1	16	17
Pesticides Advisory Committee						1		1
Environment - Other	3					17	66	2
<b>MINISTRY OF FINANCE</b>								
Financial Services Commission of Ontario	2				1	3	103	1
Financial Services Tribunal					1	1		2
Land Transfer Tax						7		7
Motor Vehicle Accident Claims Fund					1	5		6
Ontario Insurance Commission					1	65		67
Ontario Securities Commission						15		15
Pension Commission of Ontario						9		9
Retail Sales Tax						2	48	3
Superintendent of Deposit Institutions						1		53
Superintendent of Insurance						1		1
Finance - Other	3	1		1	5	72	1	83

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:				Investigation Discontinued		Resolution Facilitated/Referral Given/Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.	Independently Resolved	By Com't	By Omb.			
<b>MINISTRY OF HEALTH AND LONG-TERM CARE</b>									
Assistive Devices Program / Branch					2	16			18
Board of Directors of Drugless Therapy					1	1			1
Cancer Care Ontario					7	7			7
Consent and Capacity Board					9	1	10		
Health Professions Appeal and Review Board	1	6	1	1	6	17	3	34	
Health Services Appeal and Review Board					1	7	1	10	
Long Term Care Branch					7	7			7
Mental Health Centres	2				11	41	1	56	
Northern Health Travel Grant					4	33			37
Ontario Drug Benefit	1				3	29	1	31	
Ontario Health Insurance Plan					5	127	3	139	
Psychiatric Hospitals	1			1	10	65	3	74	
Psychiatric Patient Advocates					9	9			9
Trillium Drug Program		1			37	2	40		
Health and Long Term Care - Other	1				19	131	2	153	
<b>MINISTRY OF LABOUR</b>									
Employment Practices Branch	4				7	79	2	92	
Employment Standards Referees					3	3			6
Grievance Settlement Board		1			1	2			4
Occupational Disease Panel					1	1			1
Office of the Employer Adviser					2	26	1	29	
Office of the Worker Adviser					20	37	3	62	
Ontario Labour Relations Board					3	3			2
Ontario Public Service Labour Relations Tribunal					3	1			4
Pay Equity Commission					2	2			5
Public Service Grievance Board		1			89	181	7	295	
Workplace Safety and Insurance Appeals Tribunal	4	8	1		4	18	883	10	917
Workplace Safety and Insurance Board	1	1			2	41	2	45	
Labour - Other					7	56	1	64	
<b>MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING</b>									
Board of Negotiation - Municipal Affairs					1				1
Building Code Commission					4				4
Building Materials Evaluation Commission					1				1
Housing Authorities	1				5	100	3	109	
Line Fences Referee					6				6
Ontario Building Industry Development Board					2				2
Ontario Housing Corporation					4				4
Ontario Mortgage Corporation					1				1
Ontario Municipal Board					7	15			22
Ontario Municipal Employees Retirement Board					9				9
Ontario Rental Housing Tribunal	1	4		1	9	29	125	6	175
Rent Control Programs					29	10			10
Municipal Affairs and Housing - Other					7	56	1	64	
<b>MINISTRY OF NATURAL RESOURCES</b>									
Crown Timber Board of Examiners					1	3			5
Game and Fish Hearing Board					2	15			17
Lake of the Woods Control Board	1				1	1			2
Moose Allocation Advisory Committee					1	3			4
Niagara Escarpment Commission					1	1			2
Ontario Parks Resource Research Review Branch					1	1			1
Provincial Parks Council					1	10	1	12	
Natural Resources - Other	3			1	4	21	75	4	108
<b>MINISTRY OF NORTHERN DEVELOPMENT AND MINES</b>									
Ontario Northland Transportation Commission					2				2
Northern Development and Mines - Other					5				5
<b>MINISTRY OF THE ATTORNEY GENERAL</b>									
Advisory Committee of the Public Trustee on Investments					1				1
Assessment Review Board	3				5	26	3	37	
Children's Lawyer					4	21			25
Crimes Against Compensation Board					5	28			31
Crown Attorneys					39	1	40		
Family Responsibility Office	17	5	2	1	1	34	1336	20	1416
Legal Aid Ontario	3	1			6	130	4	144	
Public Guardian and Trustee	2				1	3	82	4	92
Attorney General - Other	2				1	7	97	4	111
<b>MINISTRY OF THE SOLICITOR GENERAL</b>									
Coroners' Office					1	11			12
Office of the Fire Marshal					4				4
Ontario Civilian Commission on Police Services (formerly OPC)					1	28			29
Ontario Provincial Police	2	1			6	42	1	52	
Solicitor General - Other					1	7	24		32
<b>MINISTRY OF CULTURISM, CULTURE AND RECREATION</b>									
Art Gallery of Ontario					1				3
Metro Toronto Convention Centre Corporation					1				1
Niagara Parks Commission					1				1
Ontario Arts Council					1				1
Tourism, Culture and Recreation - Other					4				4
<b>MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES</b>									
Colleges of Applied Arts and Technology	1	3			2	5	25		32
Ontario Student Assistance Program					68	163	3	238	
Training, Colleges and Universities - Other					1	15			16
<b>MINISTRY OF TRANSPORTATION</b>									
License Suspension Appeal Board - MTO					1				1
Medical Review Section		1			3	106			111
Ontario Motor Transport Board					8	1			9
Transportation - Other	5	2			6	33	391	8	435
<b>ONTARIO GOVERNMENT - OTHER</b>									
Cabinet Office					1	125	3	130	
Information and Privacy Commissioner/Ontario					27		1	28	
Legislative Offices					29				29
Office of the Lieutenant Governor					3				3
Office of the Premier & Cabinet Office					1	11			12
Office of the Provincial Auditor					1				1
Ontario Government - Other					1	14	1	16	

**COMPLAINTS AND INQUIRIES AGAINST THE MINISTRY OF CORRECTIONAL SERVICES\***

<b>BY SUBJECT MATTER</b>	<b>00-01</b>	<b>99-00</b>	<b>98-99</b>	<b>BY SUBJECT MATTER</b>	<b>00-01</b>	<b>99-00</b>	<b>98-99</b>
Staff Conduct	799	655	410	Punitive Segregation	47		
Living Conditions - Food / Diet	544	390	297	Race Related Complaints	45	2	
Health - Adequacy of Care	496	1217	856	Health - Medical Appliances / Devices Request	44	17	26
Classification or Transfer within the Provincial System	489	462	303	Protective Custody	42	50	13
Personal / Inmate Property	369	296	170	Mental Health Care	34	55	44
Yard	352	215	144	Allegations of Reprisal for Ombudsman Contact	33	13	1
Administration in General	347	535	576	Intermittent Sentence	33	47	14
Living Conditions - Clothing Size Condition etc.	312	173	122	Pre-Release	33	34	16
Health - Medication (Other)	289			Health - Hospital Visits / Admission	24		
Health - Prescription Request	279	143	79	Newspaper Subscription / Delivery	23		
Living Conditions - Cleanliness, Hygiene, Sanitation	269	35		Living Conditions - Immigration Hold	22	25	20
Canteen	262	403	78	Classification or Transfer to Federal System	21		
Inmate Misconduct Issuance Adjudication	260			Health - Second Medical Opinion Requests	21	0	7
Living Conditions In General	244	447	425	Charter of Rights / Human Rights	19	31	24
Health - Other	236			Health - Smoking Cessation Assistance	19		
Responses to Inmate Requests	234	177	126	Health - HIV / Aids	18		
Other	231			Health - Dental Appliances / Dentures	16		
Correspondence	213	141	89	Health - Hepatitis	16		
Living Conditions - Lockup	206			Health - Medical Segregation	16	16	15
Health - Delay	204			French Language Services	15	8	1
Living Conditions - Segregation	203	195	103	Inmate Institution Guide	14	10	2
Policy / Practice	200	148	66	Health - Suicide Watch	12		
Administrative Segregation	192	180	109	Request for Procedural Information	12		
Telephone Access / Use	187	165	61	Electronic Monitoring	11	14	10
Inmate Trust Account	173	132	73	Freedom of Information / Protection of Privacy	11	5	9
Living Conditions - Smoking	157	38	32	Health - Segregation	11		
Visiting Privileges	156	65	34	Health Care - Adequacy	11		
Living Conditions - Overcrowding	153	111	57	Lost Earned Remission Punitive Segregation	10		
Living Conditions - Personal Hygiene	143			Request for Phone Number or Address	9		
Living Conditions - HVA, Heating, Ventilation, Air	140	118	58	Bailiffs	8	15	7
Allegations of Excessive Force - Staff Misconduct	129			Transfer - Federal Institution	8	15	10
Discretionary Program Decisions / Access to Program	127	95	29	AIDS / Hepatitis	7	8	2
Special Needs / Treatment Unit	126	116		Meals at Court	7	11	8
Health - Medical Diet	101	49	29	Parole - Community Services / PPO	7	32	56
Living Conditions - Bedding / Mattresses / Towels	99			Health - Medical Confidentiality / Privacy	5		
Institutional Discipline - Other than Inmate Misconduct	98	125	52	Inmate Transportation Upon Release	5		
Health - Specialist Appointments	97			Access to Services (Technology) - Telephone (Busy, Not in Service etc.)	4		
Ombudsman Access (Letter or Phone)	93	71	33	Death of Inmate in Custody	4	1	0
Health - Methadone Program	91	54	49	Health - Gynecological / Obstetrical	4		
Inmate - Inmate Disputes / Assaults	86	58	20	Health - Hunger Strike - Food Watch	4		
Classification - Other	84	95	62	Access to Services (Technology) - TTY	3	1	5
Health - Continuity of Care (Admissions)	80			Municipal - Other	3		
Dental	78	162	126	Access to Services (Technology) - Telephone Voice Mail Systems	2		
Lost Earned Remission	69	67	57	Custody Review Board / Y.O. Avenues of Appeal	2	0	3
Searches	67	66	29	Probation	2	13	5
Commitmal / Sentence Calculation	66	37	38	Secure Facility	2	1	2
Health - Staff Conduct	66			Decision Making Practices	1		
Temporary Absence Passes	65	95	75	Decision - Delay	1		
Living Conditions - Cell Time	63	14		Decision - Denial	1		
Religious / Spiritual Observance	58			Employment - Unfair Dismissal	1		
Security - Lockdown	55			Health - Palliative Care	1		
Religious or Life Style Diet	53	49	44	Health - Pre-Natal Care	1		
Health - Glasses, Eye Care	49	36	35				
Health - Continuity of Care (Transfer)	48						
Health - Dental Emergency	48						
Health - Dental - Preventative or Restorative	48						
Health - Diagnosis	48						

\*As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.

# Today...

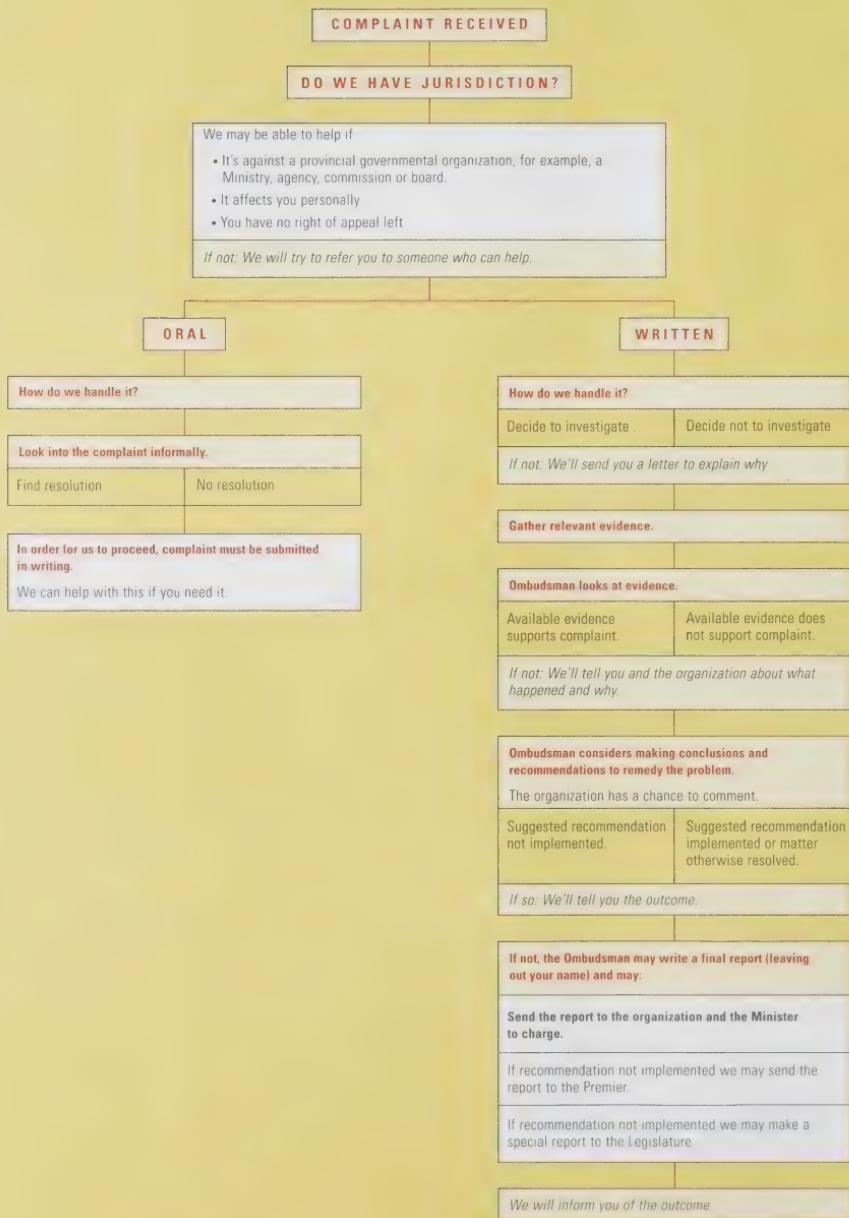
**"A resolution was reached."**

Every year in our annual report the Ombudsman presents a collection of case stories to illustrate the type of work we do.



CASE STORIES

## THE COMPLAINT PROCESS



### **Family Responsibility Office – Computer System Causes Backlog**

Following the restructuring of the Ministry of the Attorney General's Family Support Plan in 1996, the number of complaints received by the Office of the Ombudsman increased dramatically. Due to the large number of complaints and their subject matter, the former Ombudsman conducted two own-motion investigations into the operation of the new program now known as the Family Responsibility Office (the FRO). These investigations were completed in 1998 and 1999, respectively.

In the first investigation, the Ombudsman expressed concern about the reactive nature of the organization and its reliance on contact from outside parties as prompts for action, and recommended the FRO make use of the information in its computer system to monitor its caseload. In the second investigation a year later, the Ombudsman found the organization was still complaint-driven because the FRO staff was still relying to a large extent on payors, recipients and income sources to act as the prompts for necessary action and follow-up. In both these investigations, the Ombudsman concluded the FRO was not enforcing support orders in a timely or effective way.

In 1999, the Acting Ombudsman initiated a third investigation to determine whether problems with the computerized system used by the FRO were interfering with its capacity to respond appropriately to client inquiries and whether such problems were impeding the timely enforcement of support orders and distribution of support payments. At that time, an increasing number of complaints received by the Ombudsman appeared to relate to the FRO's computer system.

In April 2000, a commitment was obtained from the FRO regarding plans to address problems with its computer system. The current Ombudsman determined that based on these undertakings, he would discontinue the investigation.

### **Resolved After Investigative Summary:**

If the Ombudsman is considering supporting a complaint, a summary relating to the Ombudsman's tentative conclusions and recommendations is sent to the governmental organization involved. If the governmental organization's response is found to be satisfactory, the Ombudsman may consider the matter resolved.

However, in October 2000 the FRO continued to experience problems with its computer system despite its previous undertakings. At that time, the Ombudsman commenced an investigation into the FRO's apparent failure to comply with its undertakings.

The Ombudsman's investigation found the FRO had fulfilled a number of undertakings and some improvements had been made. However, the FRO had not taken steps to meet its commitment to undertake three projects which were intended to address inherent design inadequacies with its main computer system. The Ombudsman did not doubt that the FRO acted in good faith in giving the undertaking regarding these projects. In an investigative summary, the Ombudsman tentatively recommended that steps be taken by the FRO and the Ministry to ensure that the FRO obtains a new computer system that meets its operational needs, as expeditiously as possible.

In response the Ministry agreed with the Ombudsman's observations regarding the inadequacy of the FRO's computer system. The Ministry noted the decision to replace the system and the funding required are not totally within its control. However, it stated it had requested resources to undertake a feasibility study to re-engineer business processes and support the resulting service delivery model. The Ministry expected the study would take six months to complete, after which it would be in a position to seek approval and funding to undertake a systems replacement and process re-design. Based on this response, the Ombudsman was satisfied that adequate and appropriate steps had been taken by the Ministry at that time to implement his recommendations and closed the investigation.



The FRO... has the power to require a support payor's employer to withhold money from the payor's wages and remit the money to the FRO as payment of child or spousal support.

### **Family Responsibility Office – Apology to be Issued**

Ms D complained to the Ombudsman that the Family Responsibility Office (FRO) had failed to take reasonable steps to enforce her court order for support. She advised that her former spouse had told her deductions were being made to his pay cheque but the employer was not remitting the money to the FRO.

The FRO, formerly part of the Ministry of the Attorney General and now part of the Ministry of Community and Social Services, has the power to require a support payor's employer to withhold money from the payor's wages and remit the money to the FRO as payment of child or spousal support. The employer is notified of its obligation by a Support Deduction Notice, or SDN. A review of the FRO's records on Ms D's case showed that, over a period of years, the payor's employer persistently failed to remit funds to the FRO as required. Although FRO staff had periodically contacted the employer, usually because of inquiries from Ms D, no substantive action was taken by the FRO to enforce the employer's compliance with the SDNs sent to him, and consequently, Ms D was owed thousands of dollars for prolonged periods of time.

The Ombudsman's staff began making informal inquiries with the FRO in 2000 and as a result some enforcement action against the payor was taken. More calls were made by FRO staff to the payor's employer, and two letters were sent to the employer warning of possible legal action if the employer did not withhold and remit the monies as the FRO had instructed. However, these measures did not result in the employer's compliance. The Ombudsman initiated a formal investigation, and further inquiries prompted the FRO's pursuit of the income source to the point at which the arrears in the case were payed up.

In considering Ms D's complaint, the Ombudsman noted that a previous investigation by his office on a similar case had resulted in assurances from what was then the Family Support Plan that its 1996 restructuring would address the issue of employers who did not properly comply with SDNs. Based on the case of Ms D, the Ombudsman observed that the restructuring had not addressed the problem.

No legal action was taken against the income source, despite the fact that the FRO's criteria for arranging a hearing to consider non-compliance had been met. The Ombudsman also noted that the FRO's two letters to the employer in Ms D's case had, in addition to warning of such legal action, also warned that failure to comply with an SDN could be considered an offence under the FRO's legislation, and could result in a maximum penalty of up to \$10,000.00. The income source however did not respond to these warnings and did not provide good reason for its non-compliance. The FRO did not pursue the income source further.

In an investigative summary the Ombudsman tentatively concluded that the FRO had failed to ensure timely compliance with the SDN. The Ombudsman also expressed concerns regarding the FRO's failure to clearly define when and in what circumstances proceedings against recalcitrant income source's should be initiated and to consider using the offence provisions of the legislation against delinquent income sources. The FRO did not take issue with the Ombudsman's finding that it had not ensured timely compliance with the SDN. It indicated that it would apologize to Ms D regarding the handling of her file. It noted that had legal action in accordance with its policy been initiated in a timely manner, the issue of prosecution of the income source would have been

moot. It also noted that training had been provided to staff on when to use enforcement measures and that it was taking steps to ensure that its staff were aware of its policies and that they were applied consistently. Based on the FRO's response, the Ombudsman determined that the file would be closed.

#### **Adoption Disclosure Delay – Timeliness of Birth Relative Searches Monitored**

The Ombudsman has closely monitored the progress made by the Ministry of Community and Social Services (the Ministry) in reducing the backlog of registrants waiting for birth relative searches in the Adoption Disclosure Registry.

In April 1999 the former Ombudsman tabled a final investigative report on this issue with the Legislative Assembly. At that time, there were in excess of 15,000 registrants waiting for searches and, when in the queue, registrants were waiting more than seven years for a search to be initiated. In April 2000 the Ministry responded positively to the recommendation in the report by allocating an additional \$2.4 million to the program. This enabled the hiring of additional staff to meet the objective of eliminating the program's backlog waiting list within 18 months.

As of March 31, 2001, the Ministry has reported that there were fewer than 2,000 individual registrants waiting for searches and the waiting period for a search to begin had been reduced to three years.

**Monitoring:** Often the Ombudsman will successfully resolve an individual's complaint but continue to monitor an organization's undertaking to address an underlying system-wide or systemic problem.

#### **Ministry of Labour/Family Responsibility Office – Legislation Being Amended**

The Ombudsman has been monitoring this case since it was reported in the 1997–1998 annual report. The complaint involved a support payor whose employer deducted support payments from his pay but failed to remit the payments to the Family Responsibility Office (FRO). When the employer went bankrupt, the FRO held the payor responsible for the support payments. The Ministry of Labour denied the payor's application for compensation for his lost support payments under a now defunct program, the Employee Wage Protection Program. The Ombudsman conducted an investigation and concluded that the Ministry's decision was unreasonable. The Ombudsman believed the Ministry should adopt an interpretation of the relevant sections of the Employment Standards Act, which considers wages deducted but not remitted to the FRO as unpaid wages, and allow the payor's application under the Wage Protection Program.

Although the Ministry did not agree that the Employment Standards Act could be interpreted in the manner suggested by the Ombudsman, it made a payment to the complainant on a "without prejudice" basis. The Ministry also agreed to address the question of whether the legislation should be amended so as to deal with remittance issues as part of a proposed Employment Standards Review. In November 2000 the Ministry advised the Ombudsman that a Bill had been introduced to reflect changes to the Employment Standards Act. While the legislation will still allow for legal deductions such as family support payments to be made by an employer, the proposed legislation stipulates that a deduction made but not remitted is not a legal deduction. This proposed change would allow an Employment Standards Officer to issue an order to collect from an employer who has made a deduction but has not remitted. The Bill received Royal Assent in December, 2000.



**Discontinued:** The Ombudsman may, in his discretion, discontinue an investigation for a variety of reasons including: receipt of additional information indicates that further investigation is unnecessary; the agency has taken steps to resolve the problem; the Ombudsman has previously investigated the case; or the complainant does not for a number of reasons, wish to pursue the matter further.

#### **Assessment Review Board – Retroactive Travel Payment Issue**

Two retired Hearings Clerks who had worked for the Assessment Review Board (the ARB) complained to the Ombudsman's Office that it was unreasonable of the ARB to deny their claims for retroactive travel time to hearings. They explained that in 1998 they learned that their collective agreement provided for payment for the travel time between their home and the location of the hearing. They explained that in the past they had been told by their managers that they were not entitled to travel time. When they made inquiries about their eligibility for travel time in 1998 they stated that they were told to wait while the issue was under review. After they retired in early 1999, they were told to submit their claims. The ARB then denied their claims stating that they had not been made on time and had not been approved by their managers.

When the ARB was notified of the Ombudsman's intent to investigate, it argued that the two retired employees had an opportunity to grieve and should have done so before they retired. (As they were retired they no longer had the opportunity to file a grievance.) It also argued that there had been a grievance made on the same issue by a Hearings Clerk who was currently employed and the ARB had hired a consultant to review several pay-related issues. The ARB asked that the Ombudsman withhold further investigation as once the outcome of the grievance and the consultant's report were known, management would be in a better position to respond to the complaints made to our office. The Ombudsman complied with this request, but monitored the progress of the two proceedings.

The grievance between the ARB and the Ontario Public Services Employees Union was concluded on July 12, 2000, with the facilitation of a mediator at the Grievance Settlement Board. Within two weeks the ARB notified the Ombudsman of the outcome of the settlement. Those current employees who had submitted claims prior to the settlement were entitled to their travel time for one-way trips to hearings in 1997 and 1998; all other clerks currently employed were to receive \$200. The ARB agreed to apply the terms of the settlement that was applicable to the active clerks, to the claims filed by the two retired Hearings Clerks who had initially contacted the Ombudsman. By the end of August 2000, the complainants had received the cheques for the retroactive payment of their travel time.

#### **Ministry of Community and Social Services – Special Consideration of Needs**

Ms B's 17 year old son was in a motor vehicle accident in July of 1997. He suffered a traumatic brain injury and remained in a coma for 10 months. In March of 1998, Ms B telephoned the Ministry of Community and Social Services' New Liskeard office to determine if her son was eligible for a pension, or some type of allowance. Due to a misunderstanding, Ministry staff omitted to inform Ms B that once her son turned 18 years old, he was eligible to obtain a Family Benefits Personal Needs Allowance, as he was in a chronic care unit of a hospital. As a result, no application for an allowance was taken.

Ms B appealed the case to the Social Assistance Review Board. In its decision, the Board noted that Ms B's son would have been entitled to receive financial assistance in May of 1998 if Ministry staff had provided her with the correct infor-



mation. However, since an application for a Family Benefits allowance had not been completed, the Board did not have jurisdiction to hear the appeal.

After the Ministry received our letter of intent to investigate Ms B's concerns, the Ministry advised that section 8(1) of the Family Benefits Act allows the Lieutenant Governor in Council to provide direct payment of a benefit to an applicant who is not eligible under the legislation but who, due to special circumstances, warrants special consideration of his needs. This may include payment of arrears for a specific time period. The Ministry offered to process the documents requesting that arrears be paid under this section of the Act. The complainant was satisfied with the outcome and the case was closed.

#### **Health Professions Appeal and Review Board – Medical Reports Overlooked**

Mr. L's mother died in a diabetic coma after surgery. Mr. L believed her death could have been prevented, as there was an issue of whether her family physician knew or ought to have known whether she was diabetic. The Complaints Committee of the College of Physicians and Surgeons of Ontario (the Complaints Committee) after reviewing Mr. L's complaint regarding this matter, decided against taking any action. Mr. L then requested that the Health Professions Appeal and Review Board (the Board) review the Complaints Committee's decision. The Board determined the request for review was frivolous and vexatious and refused to conduct a review. Among the reasons the Board provided for not proceeding was "the absolute lack of information about the patient's condition prior to her death."

During the assessment of the information provided to the Ombudsman by Mr. L and the Board, it was noted that certain pertinent medical reports had been overlooked during the Board's review.

When the existence of the reports was brought to the Board's attention, the Board replied that Mr. L had not raised this information when he had the opportunity to challenge its view that his complaint was frivolous and vexatious. However, the Board indicated that given this information was overlooked, it would consider a reconsideration request from Mr. L on the grounds that the Board may have made an error that would likely result in it reaching a different decision.

Our office advised Mr. L that as he could request that the Board reconsider his complaint and this might resolve his concerns, no further investigation by our office was warranted and his file would be closed.

#### **Ministry of Natural Resources – Portage Rights Defined**

A local conservation association contacted the Ombudsman with a complaint relating to a decision of the Ministry of Natural Resources (MNR). The group of local residents alleged that the Ministry was not enforcing the Public Lands Act in protecting two existing portage trails which should be accessible to all citizens.

In 1998, the parcels of land in question were sold to a private landowner who took the position that he had the right to restrict the public from accessing his lands. A steel gate and a six-foot fence were erected which prevented public access to the trails and a bridge that crossed a creek on one of the trails was removed. The bridge was necessary as a safety measure

because the creek did not freeze during the winter. The Ministry was of the view that there was no clear basis on which to charge the landlord under the Public Lands Act.

The Ombudsman notified the Ministry of his intention to investigate the matter and an extensive investigation followed. The Ministry's file and actions were reviewed, as well as the legal definition and protection of portages under the Public Lands Act, and the Ministry's responsibility to act on behalf of the Crown. The rights of the private landowner were also considered during the Ombudsman's investigation. Ombudsman staff, with the cooperation of the Ministry, determined that further discussion between the landowner and the association, with the Ministry assisting, might provide a resolution to the outstanding concerns of the parties. The association and the private landowner agreed to a meeting and our investigation was discontinued at that time as this proposal satisfied both parties involved.

#### **Social Benefits Tribunal – Income Assessment Review**

Mr. T asked our office to review a decision of the Social Benefits Tribunal (the Tribunal). It was his contention that it was unreasonable for the Tribunal to uphold a decision of the Director of the Ontario Disability Support Program (ODSP) that he owed the Province 100 percent of the retroactive payment he had received from the Canada Pension Plan (CPP). Mr. T had

received the CPP payment for the same period he was receiving benefits as the spouse of a Family Benefits (FB) ODSP recipient.

In denying Mr. T's appeal, the Tribunal explained that as a member of the 'family unit' Mr. T had benefited from the total benefits that were paid to his former spouse and not just the additional money she received while they were living together.

Mr. T also advised our office that he had received a notice from Canada Customs and Revenue Agency that he owed in excess of \$5,000 in taxes following receipt of the CPP payment. Mr. T questioned the fairness of owing taxes on money that he never received and he explained how this situation had created financial hardship and stress for him.

Following the Ombudsman's review of the material Mr. T provided, it appeared that Mr. T had been assessed as if the CPP payment had applied towards one year's income.

The Ombudsman suggested that Mr. T take a copy of the letter he had received from the province as well as the T4 he received from CPP to the Canada Customs and Revenue Agency as this information explained how the CPP retroactive payment was calculated over three years. Mr. T did so and his tax arrears were reduced substantially though not eliminated.



### **Ontario Disability Support Program – Early Application for Benefits Available to Inmates Prior to Release**

As a result of complaints received from inmates of Ontario correctional facilities, the Ombudsman initiated an own-motion investigation into the Ontario Disability Support Program's (ODSP) practice of not allowing inmates to make application for ODSP benefits for receipt upon release into the community.

Section 9 of Regulation 222/98 states, in part, that persons detained in a lawful place of confinement are not eligible for income support; however, the Regulation is silent on when an application can be made. The Ombudsman was concerned that the Ministry's practice of not making Disability Determination Packages (DDPs) available for completion by inmates prior to release may have resulted in some former inmates experiencing significant delays in receiving ODSP benefits.

A notice of investigation by the Ombudsman was forwarded to the Deputy Minister of the Ministry of Community and Social Services. In his response, the Deputy Minister advised the Ombudsman that the Ministry would make DDPs available to institutional physicians so that they may assist inmates with disabilities to begin the ODSP application process as part of their release plan.

**Non-Support:** At the conclusion of an investigation, the Ombudsman may determine that the government's position is not unreasonable and will resolve an investigation by not supporting the complainant. In some cases, suggestions for change of policy or systems are recommended to the governmental organization.

### **Ministry of Correctional Services – Facility Staff Review Use of Force Procedures**

Mr. J complained to the Ombudsman that a Correctional Officer at a jail used unnecessary force while escorting him to the Admission and Discharge (A&D) area for transfer to a detention centre.

The Ombudsman, following an investigation of this matter was unable to support Mr. J's complaint that the amount of force used was unnecessary given the circumstances. The Ombudsman expressed his concern that the Ministry's use of force policies and procedures had not been followed. The investigation revealed that contrary to Ministry policy, certain documents had not been completed by staff and that the reports that had been completed lacked sufficient detail regarding the techniques used to restrain Mr. J.

The Ombudsman acknowledged that although the Ministry was implementing some initiatives, including staff training on the writing of reports, he recommended in the interim the Superintendent take the necessary steps to ensure that staff understand the Ministry's use of force policies and procedures; who is required to submit reports; and the level of detail that needs to be provided.

The Superintendent of the jail advised the Ombudsman that all staff members involved in the incident had been advised of the proper use of force procedures. In addition, the Superintendent stated that commencing in April 2001, staff at the facility would be undergoing staff training and that an additional session on report writing as it pertains to use of force, will be added to this session.

### **Ministry of Correctional Services – Streamlining Internal Investigations**

Mr. R complained that he was forced to resign his position as a Correctional Officer because of racial discrimination and harassment at a jail. Following his resignation, he filed a complaint with the Ministry's Independent Investigations Unit (IIU) under the government's Workplace Discrimination and Harassment Prevention Program (WDHP). Mr. R's complaint was accepted in December 1995.

In February 1999, the IIU determined that it could not continue with the investigation of his complaints because of a grievance settlement reached between Mr. R and the Ministry. Mr. R believed that the IIU's decision to terminate its investigation was unreasonable and asked the Ombudsman to investigate. He also wanted the Ombudsman to investigate the delay associated with the investigation of his complaints.

Mr. R filed over 73 different allegations of discrimination against 22 respondents. He also filed a grievance and a complaint with the Ontario Human Rights Commission. Following an investigation into the circumstances, the Ombudsman determined that the IIU took Mr. R's complaints seriously and noted that the IIU had proceeded with an investigation although Mr. R was no longer a Ministry employee. The Ombudsman further noted the IIU continued the investigation after Mr. R had withdrawn his complaints, and the IIU also reviewed Mr. R's OHRC complaint which contained new allegations, to ensure that the WDHP investigation addressed all of the issues.

Since the Ombudsman had been asked to investigate circumstances similar to Mr. R's grievance, the Ombudsman concluded that he was unable to state the decision by the IIU not to proceed with its investigation was unreasonable. Furthermore, he acknowledged that although the length of time taken to investigate Mr. R's complaints was considerable, the Ombudsman determined that considering the breadth, com-

plexity and unique circumstances surrounding Mr. R's case, he was not in a position to make a formal recommendation to the IIU relating to the issue of delay.

The Ombudsman, however, wrote to the Deputy Minister of Correctional Services to address the general issue of delay. He also expressed concern about the infrequency of complainant contact during the investigation. In response, the Deputy Minister advised the Ombudsman that efforts were being made within the IIU to streamline investigation procedures. He also advised that the Ministry had retained the services of a consultant with human rights experience to conduct a review of the entire WDHP process.

### **Ministry of Transportation – Ministry Follows Policy**

In 1994, Mr. R had his Class "G" driver's license suspended by the Ministry of Transportation after his physician advised the Ministry that he had experienced a seizure. Four months after the Ministry suspended Mr. R's licence, the neurologist who had examined Mr. R, wrote to the Ministry and advised that Mr. R had experienced seizures in the past associated with alcohol abuse. In response, the Ministry wrote to Mr. R and notified him that in order to have his license reinstated, he needed to provide an up-to-date report from an addiction treatment centre confirming successful completion of a treatment program, commitment to ongoing treatment requirements and one year of total abstinence from alcohol. The Ministry reinstated Mr. R's driver's licence in 1999, after the results of Mr. R's blood tests supported his claim of abstinence from alcohol.

Mr. R contacted the Ombudsman's office because he believed the Ministry had suspended his licence for an unreasonable length of time. Mr. R stated that his physician had provided a letter to the Ministry in 1997, which indicated that he had been seizure-free for 3 years. Mr. R also believed that it was unreasonable for the Ministry to require information about his blood alcohol level when his physician had never indicated to the Ministry that his 1994 seizure was caused by alcohol.

As a result of the investigation into this matter, the Ombudsman determined that the O.P.P. had misplaced Mr. M's psychological files...

After investigating Mr. R's complaint, the Ombudsman advised Mr. R that he would not support his complaint. The Ombudsman did not find it unreasonable that the Ministry had suspended Mr. R's licence for a period of 5 years. The Ombudsman acknowledged that the first medical report received by the Ministry did not indicate that Mr. R's 1994 seizure had been caused by alcohol. However, the Ombudsman noted that a neurologist, who had examined Mr. R in 1994, advised the Ministry that he had experienced seizures in the past associated with alcohol abuse. The Ombudsman commented that once the Ministry was advised that Mr. R had a problem with alcohol, the Ministry asked him to provide evidence from medical doctors that he had abstained from alcohol for one year. The Ministry's requests were made between 1994 and 1999. The investigation showed that proof of Mr. R's abstinence from alcohol for the required time period was not provided to the Ministry until 1999, at which time the Ministry reinstated his licence.

The Ombudsman's investigation showed that the Ministry had followed its policy regarding reconsideration requirements for substance abuse when it required Mr. R to support his claim of abstinence from alcohol with results of laboratory blood tests.

#### **O.P.P. – Hiring Assessment Upheld**

Mr. M was dissatisfied with the decision of the O.P.P. not to recommend him for hire on the basis of his psychological evaluation. The O.P.P. application process involves a series of tests: the application; a written examination; the personal interview; fitness and psychological testing; and a background investigation. Each phase must be successfully completed before the candidate can proceed to the next stage of the process. Having

successfully passed each of the preceding stages, Mr. M's psychological and fitness tests were completed in July 1998.

Mr. M failed the psychological component of the testing phase and he was not recommended for hire. He contends that he had been treated unfairly by the O.P.P. and its consulting psychologist. He maintained that subsequent evaluations by two independent psychologists showed that he was psychologically fit to serve as an officer. Mr. M claimed that his consultants identified problems with the O.P.P.'s process and the conclusions of the O.P.P. psychologist.

The Ombudsman did not believe that it was unreasonable for a candidate to have to demonstrate psychological suitability for the job. Moreover, since the O.P.P.'s psychologist specialized in assessments for police employment, it was not unreasonable to expect the O.P.P. to accept the recommendation of its psychologist in this case. However, as a result of the investigation into this matter, the Ombudsman determined that the O.P.P. had misplaced Mr. M's psychological files and suggested the O.P.P. amend its retention practices.

In response, the O.P.P. Commissioner advised that their retention practice had been changed effective April 15, 2000, prior to receipt of the Ombudsman's letter. Previously, all psychological inventory raw scores and evaluations were retained by the O.P.P.'s consulting psychologist and did not fall within the government's file retention schedules. Now, as a result of the change, all psychological inventories and evaluations would remain within the control of the O.P.P.





### **Family Responsibility Office – Employer's Deductions Not Unreasonable**

Mr. L, a support payor, complained to the Ombudsman about the many problems with the enforcement of his support order by the Family Responsibility Office (FRO). The Ombudsman concluded that while the FRO was responsible for communication and enforcement problems, Mr. L should accept some responsibility for the impact of his own actions.

Although Mr. L had been told to make support payments to the FRO, he continued making direct payments to his ex-spouse. As a result, the FRO's records were inaccurate and the resulting enforcement was inaccurate.

On two occasions Mr. L's ex-spouse sent notices to the FRO advising that she had received direct payments. Despite unreasonable delays in processing these letters, the Ombudsman could not support Mr. L's contention that the FRO was unreasonable in sending his employer a notice to deduct support payments from his wages. There was no record that the recipient had received direct payment for all of the arrears owed and the FRO's legal obligation is to obtain support payments through an employer whenever possible. The Ombudsman did not agree with Mr. L's contention that the FRO should apologize to his employer and compensate him for his legal expenses and his subsequent loss of employment. The Ombudsman also found that the FRO responded appropriately by adjusting a bank garnishment which had seized funds from Mr. L's bank account.

The Ombudsman found merit in the FRO's position that had Mr. L ceased making direct payments in accordance with the Court Order and as the FRO had requested and had the recipient ceased accepting direct payments, it would not have been making repeated adjustments for past payments and it would not have had incorrect information on its system.

When Mr. L failed to make a large lump sum payment required under a new court order, the FRO re-initiated enforcement action. Once the payment was made and following two letters from Mr. L, the FRO agreed to comply with the terms of the court order by suspending enforcement for 30 days to allow him to set up a bank account. The FRO also provided confirmation to Mr. L that several years earlier it had requested the credit bureaus it deals with to delete the family support arrears from their records. Before enforcement could be suspended, federal funds owing to Mr. L were garnished. These funds were held in abeyance and then applied to the arrears owed on the account. The Ombudsman did not agree with Mr. L's allegation that the FRO was in contempt of the court order.

Lastly, the Ombudsman could not agree the FRO was unreasonable in refusing to prorate Mr. L's child support for one month when, for most of it, the child resided with him. The Ombudsman accepted the FRO's position that, as the monthly accrual date for the court order had passed, its legal obligation was to enforce for the full amount of the support for the month. The FRO did agree to adjust the account if the recipient agreed in writing that she was not owed support for the month.

The Ombudsman agreed that the FRO acted unreasonably by repeatedly failing to process documentation in a timely manner and by failing to respond to Mr. L's correspondence. Although the Director had extended an apology in her response to the Ombudsman's notice of intent to investigate, he asked that she apologize directly to Mr. L. He was satisfied that the FRO had taken practical steps to improve these problems. Technical problems that had caused delays in processing documents had been addressed and documents are now actioned within 30 days. A process is now in place for responding to letters addressed to the Director.

**Early Resolution:** Approximately 75 percent of complaints and inquiries against provincial governmental organizations are resolved within 20 days by Ombudsman Ontario staff. The early resolution of complaints is often facilitated through discussion and clarification or inquiries of the organization complained about.

#### **Cancer Care Ontario – Unnecessary Delay Resolved**

In early August 2000 Mr. N contacted Ombudsman Ontario with a complaint about the delay by the Regional Cancer Centre which is part of Cancer Care Ontario, in scheduling an appointment for him to start radiation treatment. Mr. N explained that he was diagnosed with cancer in January 2000 and was concerned with getting treatment started as soon as possible. Mr. N stated that he indicated to staff at the Cancer Centre that he was willing to see another physician if that would avoid delays.

Mr. N stated that he attended an initial appointment in April. He had a further appointment in June which was rescheduled to July. He called at the end of July only to discover that his appointment had been rescheduled to September. Five weeks prior to his appointment on September 8, he received a call from the Cancer Centre and was told that his appointment was cancelled and it was unknown when it would be rescheduled as his physician was very busy.

An Ombudsman Representative called the Cancer Centre to discuss Mr. N's concerns. It was confirmed that due to clinical considerations Mr. N's file was only finally complete and treatment could begin at the end of July. There were further delays caused by operating room and physician availability. The Ombudsman Representative was told that the next available date for treatment was October 27 but Mr. N was not advised of this because the Cancer Centre deemed this delay to be unreasonable. Staff at the Cancer Centre stated that the delays would be greatly reduced if Mr. N was willing to see another physician. The Ombudsman Representative clarified that Mr. N had said he told staff at the Cancer Centre on more than one occasion that he was willing to see another physician if that would start treatment sooner. The Centre's staff said

Mr. N would receive a call the next business day from his specialist to confirm a date for treatment to begin.

Mr. N called the Ombudsman Representative to confirm that he had received the call as promised and he had an appointment for August 29 to begin his treatment.

#### **Assistive Devices Program – Benefit Claim Finally Granted**

An Ombudsman Representative met with Ms B during an Ombudsman intake clinic. Ms B's father and mother are residents of a nursing home and she has Power of Attorney over their affairs.

Ms B's father required a walker following surgery and the nursing home initiated an application with the Assistive Devices Program (ADP) to fund the purchase of the walker. Ms B was required to pay half the cost of the walker upfront.

The ADP initially advised Ms B that her father's application was denied because he was a veteran. Ms B advised the ADP that her father never served in the Canadian Army and she submitted proof. At the same time, the nursing home was advised that her father did not qualify for assistance because the Workplace Safety and Insurance Board (WSIB) would cover the cost of the walker.

Ms B applied for WSIB benefits but the claim was denied. She provided this information to the ADP and also told them that her father would be undergoing further surgery. The ADP responded that her father's application would not be considered because it was uncertain whether he would be able to use the walker after surgery. Ms B was asked to contact the ADP after the surgery and a deadline of October 18, 2000 was provided. In the meantime Ms B was requested by the supplier to pay the balance of the cost for the walker because the application process with the ADP was taking too long.

Each time an inmate required medical attention, the facility would now ensure that a professional interpreter is present.

On October 17, 2000, four months after her father's surgery, Ms B wrote to the ADP to confirm that her father could use the walker. She requested reimbursement of the costs; however, the ADP advised that her father's application was now out of time. It was at this point, after several attempts to resolve the problem on her own, that Ms B decided to contact the Ombudsman for assistance.

An Ombudsman Representative contacted the ADP and after some discussion, the ADP agreed to review the application file. The ADP staff advised the Ombudsman Representative that they did not have information regarding the outcome of the WSIB claim. With Ms B's permission, the Ombudsman Representative faxed this information to the ADP. Shortly after, the ADP staff contacted the Ombudsman Representative and confirmed that the cost of the walker would be covered under the program.

#### **Citizenship and Immigration – Refugees Receive Assistance**

*Ombudsman Representatives often conduct intake clinics in various communities throughout their region. Often the problems that are brought forward such as Federal and Municipal issues, are not within the jurisdiction of the Ombudsman. Ombudsman Representatives will however, attempt to provide assistance by referring the complainants to the appropriate department or agency.*

A family whose members were refugees in Canada, attended an Ombudsman Ontario intake clinic to seek assistance in attempting to find out when they would receive government assistance allocated for refugees from Citizenship and Immigration Canada, a federal agency. Through an interpreter, they explained these monies were desperately needed for rent, food and other basic necessities.

An Ombudsman Representative contacted the Federal Resettlement Assistance Program Office and learned that originally the complainants and their children arrived in the Province of Quebec. The necessary paper work for government assistance had been processed for the Province of Quebec but the family moved to Ontario before the process was complete.

The Resettlement Assistant Program Office advised the Ombudsman Representative that the request to have the complainants file returned from Citizenship and Immigration Canada would be prioritized as well as expediting an early meeting with the complainants and their interpreter to help process their application for funds. The Ombudsman Representative also provided to the complainants and their interpreter the names, address and phone numbers of many local social service agencies so that the complainants could obtain their basic living necessities.

#### **Ministry of Correctional Services – French Language Service Enforced**

A French-speaking inmate called our office from a correctional centre to complain that he could not obtain proper medical treatment because he was unable to communicate in French with the facility's health care staff and doctor.

An Ombudsman Representative called the facility but failed to resolve the problem. The Ministry's French Language Services Coordinator was then contacted. After several weeks, a decision was made that the facility would hire a professional interpreter as needed to assist in assessing the health care needs of French-speaking inmates. Each time an inmate required medical attention, the facility would now ensure that a professional interpreter is present. Furthermore, when an inmate would need to communicate with other facility staff members about his or her status, the facility would either call a professional interpreter or a bilingual staff member to facilitate communication.

The Ministry's French Language Services Coordinator also contacted the Superintendent at the correctional centre and requested that the French Language Services Act be enforced so that such delays or complaints would not recur in the future.

#### **Family Responsibility Office – Garnishee Removed from Employment Insurance Income**

Mr. T was an unemployed miner in a remote northern community and a psychiatric survivor who contacted our office with a complaint against the Family Responsibility Office (FRO). He contended that the FRO was not enforcing a Variable Court Order (a Court Order in which the amount of support is varied to a lesser amount when the support payer is not employed) correctly.

He had provided proof of his unemployment status to the FRO office, but the support calculations continued to accrue at the higher amount. Mr. T stated he was having difficulty paying his daily expenses as the FRO had garnisheed 50 percent of his Employment Insurance income. As a result, he was unable to pay for the cost of his medication or rent and his physical and mental state were deteriorating.

At the request of an Ombudsman Representative, Mr. T's file was reviewed and recalculated by the FRO. It was established that the support recipient had been overpaid and a paper credit was established on the account. The garnishee was removed from his Employment Insurance income and as the account was in a credit, the excess funds were made available to him to meet his rent and medication needs.

Mr. T continued to provide to the FRO proof of employment insurance receipts and his account was recalculated to reflect the lower amount of accrualment. Mr. T was eventually able to return to work, while pursuing educational upgrading.

#### **Legal Aid Ontario – Inmate's Confidential Information Protected**

Mr. J complained to Ombudsman Ontario that one of the offices of Legal Aid Ontario (LAO) had breached his request for confidentiality by refusing or neglecting to ensure correspondence sent to him by the LAO was identified as confidential and solicitor client privilege.

Mr. J was a federal inmate and the information he was sending to and receiving from the LAO was sensitive in nature. Mr. J did not want the institutional staff to read the materials as he considered it privileged. He said that he made his request three times in writing to the LAO that they mark their correspondence to him with the LAO logo and the word "confidential."

An Ombudsman Representative contacted the Complaints & Investigation Department at the LAO. The Ombudsman Representative was advised that there is nothing in the *Legal Aid Services Act, 1998* Regulations or policy that specifically addressed the issue of correspondence confidentiality to federal or provincial inmates. It was noted that although the Director had asked that the complainant's confidentiality request be complied with, administrative errors had occurred. The LAO office was then instructed to identify any further correspondence to the complainant (or any other inmate) as being from the LAO and to be marked "Private & Confidential." The Ombudsman Representative was assured that the issue would be raised with the LAO Board of Directors to develop a provincial standard and policy for communicating with inmates of federal or provincial institutions.

In March 2001, the LAO informed Ombudsman staff that although the policy had always been in place, at the request of the LAO Vice-President, Legal Services, a further directive had been issued that unless otherwise requested, all inmate correspondence should be marked "Private and Confidential."



The Ministry of Transportation advised Mr. R that they could not reinstate his driver's license as he had an unpaid fine of \$800. Mr. R claimed that he paid this fine in October 1999.

#### **Ministry of Correctional Services – Residents' Food Complaints Get Early Resolution**

A disproportionate number of complaints about the quality and quantity of food served at a Young Offenders Facility were received by the Ombudsman's Office from July 1999 to March 2001.

The complaints included allegations that foreign objects, such as tin foil, glass, metal and hair, had been found in the meals served to Young Offenders. The complainants also alleged that the food was frequently undercooked or overcooked and that the portions were small.

For each complaint received, an Ombudsman Representative contacted the Deputy Superintendent, and on two occasions, the Food Services Manager of the facility. The Senior Nutrition Consultant, Ministry of Correctional Services, was also contacted twice during the 12-month period about the complaints. However, the complaints continued.

In August, 2000 the Ombudsman Representative contacted the Ministry's Deputy Regional Director, Northern Region, to inform him of the complaints and to provide him with the information received from Young Offenders and facility staff about the quality and quantity of food served.

In September 2000, the Deputy Regional Director contacted the Ombudsman Representative to inform her that he had met with the Superintendent and Food Services Manager at the facility. He said that as a result, the facility was making changes to the complaints procedure for Young Offenders with food complaints. He stated that a shift supervisor will now be present during each meal service and will be expected to taste the food before it is served. All food complaints brought to the attention of staff will be documented in an occurrence report, which will be shared with the Food Services Manager. An immediate replacement of any problematic food item identified by a youth will be provided, and the Superintendent will submit a report containing conclusions and recommendations to

the Regional Director following an internal investigation of a food complaint. These new procedures will be included in the facility's standing orders.

In November 2000, the Superintendent of the facility issued a directive of how staff was expected to process the youths' food complaints. Also, in March 2001, the Regional Director issued a memo to the Superintendent stating his expectations of what should be done to address these complaints. In a follow-up telephone call with an Ombudsman Representative, the Superintendent reported that the facility's Foods Services Manager was working with the Ministry's Senior Nutrition Consultant to address this matter and meet with the Regional Director's expectations.

#### **Ministry of Transportation – Driver's License Reinstated**

While holding an intake clinic in a First Nation community of Northern Ontario, Mr. R complained to an Ombudsman Representative about the Ministry of Transportation's delay in reinstating his driver's license. Mr. R explained that the suspension of his driver's license ended on October 5, 1999. In April 2000, the Ministry of Transportation advised Mr. R that they could not reinstate his driver's license as he had an unpaid fine of \$800. Mr. R claimed that he paid this fine in October 1999.

The Ombudsman's Representative confirmed with the Ministry of Transportation that there was an unpaid fine of \$800. The Representative called the Defaulted Fines Centre of the Ministry of the Attorney General. The Centre staff explained that the unpaid fine was still registered with a Northern Ontario courthouse. Staff at the courthouse stated that this fine was paid on October 5, 1999 and that they had advised the Defaulted Fines Centre. The staff at the courthouse agreed to fax the Defaulted Fines Centre to advise that the fine

was paid. The Representative followed-up with the Defaulted Fines Centre and confirmed that the fine was removed from the computer system. Finally, the Ministry of Transportation sent the complainant a form to renew his driver's license.

#### **Northern Health Travel Grant – Full Travel Grant Issued**

A resident of a Northern town contacted Ombudsman Ontario and complained she had received a travel grant for the amount paid to travel from her community to North Bay. Under the Northern Health Travel Grant (NHTG), Ms D had been issued the maximum allowance for travel to North Bay where the Ministry's records showed there was an orthopedic specialist who worked out of that city. However, Ms D's physician had referred her to an orthopedic back specialist in Toronto.

Her family physician wrote to the Review Committee and explained that there are no orthopedic back specialists in North Bay. The Committee however, upheld the original decision for the lesser amount.

An Ombudsman Representative contacted the Ministry and reiterated that the orthopedic specialists in North Bay are not orthopedic back specialists and that the nearest one was located in Toronto. Within days, the NHTG informed the Ombudsman Representative that the complainant would be issued the difference for her travel to Toronto. In addition, the Ministry put a note on her file should she need to return to Toronto within a year of the original consultation with the orthopedic back specialist.

#### **Ontario Disability Support Plan – Eviction Threat Averted**

Mr. A has a disability and attended an intake clinic accompanied by two advocates, a lawyer from a legal clinic and a representative from the Canadian Mental Health Association.

Mr. A and his advocates had made several requests to his income source, the Ontario Disability Support Plan (ODSP) to have his rent paid directly to his landlord, the local housing authority. The complainant's advocates advised that these requests were not completed due to processing problems and as a consequence Mr. A's rent had not been paid. Mr. A was very upset as he was now anticipating an eviction order which would leave him homeless.

An Ombudsman Representative contacted the local Housing Authority which confirmed they had been contacted by the ODSP to implement a pay direct for rent. However, the Ontario Housing Authority advised that the account number information had been "rejected" by the computer. The Housing Authority also confirmed that their agency was in the process of evicting the complainant for non-payment of rent.

Further follow-up by the Ombudsman Representative to the ODSP confirmed that the Ministry had brought in a technical person for this file to ensure that the computer problems were corrected in order that the request for direct payment of rent to the landlord could be put into place. Mr. A's rent was subsequently paid and his eviction order rescinded.

#### **Office of the Public Guardian & Trustee – Application Mishandled**

Mr. A complained that his brother, Mr. B, had been denied entitlement to social assistance because the Office of the Public Guardian & Trustee (OPGT), which is responsible for Mr. B's financial affairs, had mishandled the application forms. As a result of this problem, both Mr. A and Mr. B incurred unnecessary expenses.



The Ombudsman's investigation of the OPGT's records showed that an application had been made to the municipality where Mr. B lived for Ontario Works benefits and to the Ministry of Community and Social Services for benefits from the Ontario Disability Support Program (ODSP). While Mr. B began receiving Ontario Works benefits, it appeared that some medical forms had been misdirected by the Ministry and the OPGT never followed up on Mr. B's ODSP application. Further, when Mr. B moved a few months after the original applications were made, the OPGT did not submit an Ontario Works application for Mr. B in the new municipality. This left Mr. B with no income.

Seven months after the original applications, Mr. A had complained to the OPGT. He wanted to know why his brother was not receiving ODSP benefits, and was seeking reimbursement for some dental bills he had paid on his brother's behalf, which he believed would have been covered by the Ministry had Mr. B's entitlement to the ODSP been processed properly. A new application was submitted to the Ministry. However, Mr. A was unable to resolve his complaint, so he approached the Ombudsman.

As a result of the Ombudsman's intervention, the OPGT agreed to reimburse Mr. A for his expenses and to pay Mr. B the amount he would have received from the ODSP had his application been processed properly. The OPGT also advised that it was taking steps to try and ensure that the problems which occurred with Mr. B's case did not happen again.

#### **Ontario Hydro – Homeowner Sees the Light**

Ms J, a resident in a remote Northwestern community, had purchased a home. However, there was no electricity in the home as the electrical contractor was waiting for Ontario Hydro to send the paperwork indicating that the layout had been complete.

The layout had in fact been done by Ontario Hydro on the 4th of the month. It was now the 10th, and Hydro could not provide a date when the paperwork would be complete. Ms J was anxious to have this process completed because once the electrician had finished his work in the house, an inspection had to be done before the electricity could be turned on. The inspector only traveled to the community every two weeks for one day. His next visit was on the 16th of the month.

An Ombudsman Representative contacted Ontario Hydro regarding this problem and was told that in fact, the layout had been done as well as the paperwork, but that it needed to be signed off by a supervisor. The Ombudsman Representative explained the need for urgency and the next day the supervisor's approval was given and the paperwork faxed to Ms J.

#### **Ministry of Training, Colleges and Universities – Students Receive Delayed OSAP Funding**

Over 50 people attended the Ombudsman office to lodge complaints against the Ministry of Training, Colleges and Universities (the Ministry) and the Ontario Student Assistance Program (OSAP). The students complained they had endured weeks of stalling, misinformation, and confusion concerning the status of their student loans.



Ms P depends on her student loan for her living expenses. The OSAP's decision made it impossible for her to continue with her studies and to take care of her family.

The students had registered in a private college for a ten month course leading to a certificate in pharmaceutical studies. This course was offered at a tuition fee of \$12,000. It was now mid-way through the first term and none of the students had received OSAP. In fact, the students were told their applications had been frozen. The students had made numerous inquiries to the Financial Aid Office at the school without success or any clarification of the problem. In addition, Ombudsman staff were told that the school itself was having trouble getting information from the Ministry and had been placed on a restricted list.

Several of the students had quit jobs in order to attend this program and others were parents with financial obligations which required immediate attention. The school itself also wanted to lodge its own complaint. School Administrators had accompanied the students to the Ombudsman's office and stated that its funding was in jeopardy because of the Ministry's refusal to process the students loan applications, and that the Ministry had wrongfully frozen it's status as a private school.

Six members of Ombudsman staff processed each of the complainants separately. Ombudsman staff met with each student to discuss their concerns about their pending application. Though each student had been able to obtain a status update on their file from the OSAP web site, many applications were listed as approved pending school approval, while others were asked for duplicate documents and were having difficulty obtaining any information from the school's Financial Aid office.

Ombudsman staff contacted the OSAP to make inquiries regarding the complaints. The OSAP staff confirmed that no information could be provided. Ombudsman staff then contacted the Ministry and were told that information concern-

ing the status of the individual applications would be given but none of these applications could be approved while the school was on the restricted list. An Ombudsman investigator similarly was told when looking into the school's complaint, that no information could be provided but that negotiations were in progress. Since the *Ombudsman Act* does not allow for the Ombudsman to intervene when negotiations or a court application is being made, the investigation was closed.

A short time later the Ombudsman was notified that an agreement had been reached between the school and the Ministry and that all the approved applications would be processed. The separate issue concerning the school's accreditation with the Ministry was still outstanding.

#### **OSAP – Filing Error Corrected**

Ms P is a single mother. She attends school and needs child care for three of her four children. In addition to her student loan, she receives a Child Care Bursary (CCB) from Ontario Student Assistance Program (OSAP) to cover child care costs. The amount of bursary awarded is based on her estimate of what the final cost might be but at the end of the school period, she must submit within 45 days, receipts for the actual costs incurred. Failure to do so may result in being asked to repay the amount of bursary received and/or being put on the Ontario Restricted List (ORL).

Ms P stated that she submitted all her receipts within the time limit. But she received a letter from the OSAP advising that as they did not receive her receipts she must repay approximately \$5000 that she received in CCB for the 1998 - 1999 school period and that the student loan and CCB funds for the school period 1999 - 2000 were frozen.

The Ombudsman Representative learned that Mr. C's correspondence had not been answered because it had been filed in error.

Ms P depends on her student loan for her living expenses. The OSAP's decision made it impossible for her to continue with her studies and to take care of her family. She (as well as the financial aid office) called and wrote to the OSAP in an attempt to resolve the matter but did not receive a response. She finally contacted our office for assistance.

An Ombudsman Representative requested that the OSAP verify the entire file starting with the first time that Ms P received a CCB/student loan. OSAP agreed to review the entire file and discovered that all the receipts had been submitted but had been filed in the wrong school period. The filing error was corrected the same day and Ms P was removed from ORL. Subsequently, her student loan and CCB funds were released.

#### **WSIAT Apologizes for Filing Error**

Mr. C approached an Ombudsman Representative at an Intake Clinic held in his northwestern Ontario community. Mr. C was concerned with the Workplace Safety and Insurance Appeals Tribunal's (WSIAT) lack of response to his correspondence.

Mr. C was representing an injured worker before the Tribunal with his appeal of a Workplace Safety and Insurance Board decision. Over the course of three months, Mr. C had written to the Tribunal on three occasions asking for information about his client's hearing. Although he finally received a copy of the Tribunal's decision, Mr. C had never received a response to his correspondence. Mr. C believed the Tribunal should have at least acknowledged receipt of his correspondence.

Through inquiries with the Tribunal the Ombudsman Representative learned that Mr. C's correspondence had not

been answered because it had been filed in error. As a result of our inquiry, the Tribunal wrote to Mr. C and apologized for the error and its delay in responding to his requests.

#### **Ministry of Correctional Services – Access to Electronically Stored Information**

Mr. M, an inmate at a jail called the Ombudsman for assistance in gaining access to documents stored in his personal laptop computer, which was being kept in the Superintendent's office. The inmate stated that he was representing himself in court and needed certain files from his laptop in order to prepare his legal defence, but was being denied permission to access the documents.

An Ombudsman Representative contacted the Superintendent, who said that while her staff wanted to accommodate Mr. M's request for laptop access to his documents, there were security concerns about such access, including whether the computer files were actually relevant to Mr. M's defence, and whether the inmate could destroy any potential evidence of criminal activity stored on his computer. The Superintendent informed Ombudsman Ontario staff that Mr. M would have to obtain a court order instructing Correctional staff to allow the inmate access to the files. Although Mr. M subsequently obtained a court order, in the interim the jail had arranged to transfer the documents to a diskette, which was then given to Mr. M's relative. The relative printed and returned hard copies of the documents required to the inmate.





A 1996 directive stipulated that inmates should have access to disclosure documents and other information for the purpose of preparing for their legal defence. This directive referred to hard copy documents, but did not mention electronically-produced information. This issue was discussed with staff in the Operational Support and Standards Branch of the Ministry and the Ministry acknowledged that at the time the directive was written, the issue of inmate access to electronically-stored information might not have been contemplated. The Ministry has undertaken to research the policy and procedural implications of such technological change, and to make any necessary revisions to the existing directives.

#### **Family Responsibility Office Apologizes for Filing Error**

Ms K contacted the Ombudsman with a complaint about the Family Responsibility Office (FRO). She explained that she is a recipient of Ontario Works (OW) and her former spouse owed both her and Ontario Works \$6000 each.

Ms K explained that she received a large cheque from the FRO on or about December 19th. She thought this was a lump sum arrears payment and the balance would be paid on a monthly basis. Ms K deposited the cheque into her bank account on December 21st and withdrew money to cover out-

standing expenses she had incurred. On January 23 she returned to her bank to withdraw further funds only to be advised by the bank that there were no funds available in her account and she in fact owed the bank the money she had withdrawn plus overdraft charges.

Ms K called the FRO immediately and was advised that as long as she was on OW she was not entitled to any funds and there was nothing they could do for her. Ms K contacted the Ombudsman's office for assistance.

An Ombudsman Representative contacted the FRO and was advised that a cheque was issued to Ms K in error and that a stop payment order was put on it. FRO staff also advised that there was no record that Ms K had been informed by FRO staff not to cash the cheque. The Ombudsman Representative requested that given the circumstances, this matter be brought to the attention of a FRO Supervisor.

The FRO agreed to review this case, confirmed that it had been poorly handled, and that a written letter of apology would be sent to Ms K. The FRO also advised that further steps would also be taken to assist Ms K in the repayment of the overdraft so that she would not continue to be penalized by the bank. In addition, the FRO agreed to refund Ms K the overdraft charges incurred. FRO staff agreed to confirm these undertakings in writing, and a letter was forwarded to Ms K the same day.

## THANK YOU LETTERS

I can't begin to express my appreciation for your help. I was at a point of giving up until you came along.

I genuinely appreciate your help. I am overwhelmingly happy about the assistance you've offered. Nothing can really compare to your help... It feels very good to know someone very kind and understanding like you.

Just a thank you for taking the time to help me out. It was greatly appreciated.

This is a little note to let you know how much I appreciate your kindness and help concerning my problem. I'm sure, without your help I would not have been able to accomplish much through this "justice system"! You were my justice.

I take this opportunity to thank you for your assistance regarding my problem with the Assessment Review Board of Ontario. As you are probably aware, they sent me a letter restoring the correct assessment decision that was made at my hearing. You accomplished in one week what I could not achieve in over ten months of letter writing.

I want to thank you for your moral support and practical help during the hearings... That was a stressful and difficult time and your encouragement meant a great deal to me... It was worth all the efforts of Ombudsman Ontario.

Thank you for the assistance provided this year. Without your help we could not have accomplished our goals alone.

I would like to express my appreciation to... I found her to be very proficient and with her assistance and knowledge of the system, my problem has been finally resolved.

Thank you so very much. You were an awesome speaker and I learned so much.



**About our Logo:** This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.

#### **MISSION STATEMENT**

In striving to achieve our vision, Ombudsman Ontario is committed to the following goals for fairness and service:

- Investigate and resolve complaints efficiently
- Deliver relevant, timely, impartial and accessible services
- Foster objective standards of governmental administration
- Act as a resource to governmental organizations and the public to prevent future complaints
- Increase public awareness of Ombudsman Ontario's services
- Be ethical and accountable
- Encourage teamwork through consultation and communication
- Monitor and evaluate our organizational performance
- Realize individual potential through proactive human resource practices

#### **CONTACT INFORMATION**

**1-800-263-1830** – English

**1-800-387-2620** – Français

**1-416-586-3510** – TTY, hard of hearing and deaf

**1-416-586-3485** – Fax

**[www.ombudsman.on.ca](http://www.ombudsman.on.ca)** – Website

This Annual Report is available in French and alternative formats by request. For general information, or mailing address changes please call our Communications office at **416-586-3353**

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## Annual Report 2001 – 2002

### **Ombudsman of Ontario**

ombuds·man

#### **NOUN:**

An independent and impartial officer of the Ontario Legislature who investigates complaints against provincial government Ministries, agencies, boards and commissions and recommends corrective action when appropriate.

*"Working to ensure fair and accountable provincial government service"*



# Ombudsman Ontario

June 2002

Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker,

I am pleased to submit to you my Annual Report for the period of April 1, 2001 to March 31, 2002, pursuant to Section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.  
Ombudsman

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## Contents

Ombudsman's Message	2
Case Summaries	7
Year in Review	15
Organizational Chart	20
Complaints	25
Case Scores	39



Clare Lewis, Q.C.

# Ombudsman Ontario: Working to ensure fair and accountable provincial government service

*"I believe that this phrase captures the essence of what our organization strives for and two of the key values by which we live and which we expect government to display: fairness and accountability."*

Clare Lewis, Q.C.  
Ombudsman of Ontario



## *Ombudsman's Message*

This is a time in our society when the only certainty is change. My vision for Ombudsman Ontario is that it will remain relevant by adapting to change on all fronts. Traditional assumptions and interpretations of Ombudsman legislation are no longer sufficient. Daniel Jacoby, former Ombudsman of Quebec, has stated that the ombudsman is an institution that can adapt easily to changes and stay at the leading edge of progress. I agree with this view.

I believe that to be effective in times of change and with reduced resources we must sharpen our focus to permit necessary, important investigations to be conducted effectively and efficiently. We must quickly close cases with limited merit and attend in depth to cases that concern significant individual issues or reflect systemic or system-wide problems. It is not how many times we turn the crank that counts, it is how many sausages come out the end of the machine. Ombudsman staff must share a corporate view that while all complainants are to be treated with respect, courtesy and understanding, nonetheless, all complaints are not created equal. Even investigations which are underway should be reviewed to determine if further investment is warranted and, if so, what direction it might take. Conversely, it is necessary to conduct audits to ensure that cases worthy of investigation are not being cursorily dismissed.

It is not sufficient to our mandate simply to conduct fewer, if better, investigations. We must consider other strategies. One promising strategy is monitoring of our own complaint trends, government or institutional implementation of our recommendations, and government or institutional programs, policies and impacts. These actions serve to identify areas of concern, and give rise to better deployment of resources and more informed decision-making.

At the conclusion of my first Annual Report message, delivered in June of 2000, I undertook that "I shall make signal effort to ensure the relevance and effectiveness of this office in securing fairness to all in the administration of provincial government service." To that end, I have evaluated the work of my office, identified areas of weakness, and considered and effected means of realizing my commitment to the people of this province and to the Legislature.

In order to give life to my vision, I determined that considerable realignment of staff and modification of policies and procedures were required at Ombudsman Ontario. Accordingly, the past year has seen significant change in the organization of my office accompanied by a sense of renewal. For change to be effective, it must be embraced by the entire organization. Recognizing that we gain strength through cooperative teamwork and the sharing of perspectives, a new Senior Team was created. I believe that this structure will enable my office to be more efficient and, more importantly, effective in its administration with the goal of enhanced achievement of our

mandate. It is expected that the Senior Team initiative will lead to more informed decision-making and better communication throughout the organization. After consultation with staff, the Complaint Services area was also reorganized to achieve more consistency and effectiveness in the context of my stated vision.

I believe it is crucial to the well-being of this organization that this office be seen as standing for fairness in our dealings with the public, the organizations that we investigate and our staff. Too often in modern life there is imbalance between the values adopted by organizations and the values demonstrated in their day-to-day operations.

One of the first actions of the Senior Team, in consultation with staff, was to revisit Ombudsman Ontario's mission and values and come to terms with who we are and who we are perceived to be. My office determined that its organizational values are: Fairness, Accountability, Integrity and Respect. The revitalized organizational structure will enable us to be seen more clearly as reflective of the values for which we stand. To support this initiative Ombudsman Ontario also began an extensive review of our human resource policies and practices.

In order for us to remain relevant, the broad public must be aware of our existence and our purpose. To this end my office launched a pilot project to heighten awareness of Ombudsman Ontario in the Greater Toronto Area. Using the strategies developed during this project, we plan to broaden our community outreach throughout the province in the coming year. In March we commenced an awareness campaign which will also provide information to the general public about the service we provide.

As a result of several community consultations and focus groups held over the past year, we recognized the need to explain clearly the concept of the Ombudsman to a diverse public. In recognition of the fact that staff play an integral role in fulfilling the mandate of my office, and are perhaps in the best position to explain what it is we do, I decided that I would ask them to recommend a "branding statement." The result was more than we anticipated and became Ombudsman Ontario's new mission statement – *Working to ensure fair and accountable provincial government service.*

I believe that this phrase captures the essence of what our organization strives for and two of the key values by which we live and which we expect government to display: fairness and accountability.

Generally, as Ombudsman, I am limited by the stringent confidentiality provisions of the *Ombudsman Act* as to the information I may disclose regarding the work of my office. My annual report provides me with an opportunity to comment on cases that would not otherwise come to the public's attention. Although many of the investigations we undertake are the result of individual

complaints, I also have the authority to commence investigations on my own motion. This is a particularly effective method of focusing on issues of a systemic or system-wide nature that affect a disadvantaged or broader group in Ontario society. This approach is highlighted in two cases this year.

The first involved the Ministry of Health and Long-Term Care's funding for breast and prostate cancer patients who must travel for radiation treatment. I concluded that the funding was improperly discriminatory in its application to residents of Northern Ontario.

The other case concerned the Ministry of Community and Social Services' practice regarding the limit on reimbursement of expenses relating to travel for medical appointments under the Ontario Disability Support Program. Initially, I considered the Ministry of Community and Social Services' policy to be both unreasonable and contrary to law. Regrettably, in response to my concerns, rather than simply eliminate what I consider to be an unreasonable and unfair practice, the Ministry sought and obtained a regulatory amendment legitimizing that practice. I later considered the regulation to be unreasonable given both its potentially adverse effect on some of the most vulnerable of our society and the fact that the Ministry has been unable to justify the limitation. I will continue to monitor the impact of this regulation in the coming year.

Complaints from inmates in correctional facilities continue to comprise the largest percentage of our caseload, accounting for 7,697 of the complaints and inquiries received this year. Many of the issues concern serious impacts on individuals in custody. In one case, I investigated on my own motion allegations that an inmate with special needs had not been appropriately treated. Following receipt of my investigative summary, the Ministry of Correctional Services agreed to take steps to prevent similar situations from arising again. Further, throughout the past year we have been involved in consulting on various Ministry of Correctional Services' policy initiatives. I recently gave notice to the Ministry that I would personally be commencing regular visits to selected facilities throughout the province for the balance of my term. During the labour disruption, we closely monitored the issues arising on a daily basis to ensure that inmates continued to have access to our services and that urgent matters were addressed expeditiously.

As Ombudsman, I do not have the power to issue or enforce an order. However, I am often able, through persuasion and the cooperation of governmental organizations, to resolve many matters to the benefit of individual complainants as well as broader segments of the public. My office has been successful at facilitating improvements in policies and practices in a number of government organizations. At times this positive result has occurred as a consequence of a formal investigation. For example, after receiving my investigative summaries, the Office of the Chief Coroner, the Ministry of the Solicitor General and the Ontario Lottery and Gaming Corporation each agreed to change certain

policies and practices. The case stories in my report also reflect numerous informal contacts by my office that have led to similar positive outcomes.

During the course of my evaluation of the operations of my office, I noted a decline in the number of complaints and inquiries received over the last few years. While several factors may have contributed, including a reduction in our public education program as a result of budget constraints, I believe that a decline in complaints may also reflect a positive change within the Ontario Public Service. This decline may be credited in part to the implementation over the last few years of "Common Service Standards" for the Ontario Public Service, which emphasize quality service and include the creation of complaint resolution processes within Ministries. I support and applaud government initiatives directed at improved service delivery and transparent, effective, internal complaint resolution processes. I anticipate that the creation of such customer service delivery models will result in enhanced cooperation of the public service in working with this office on those complaints which are not able to be resolved within government organizations.

I encourage the establishment of internal and external complaint resolution mechanisms, particularly in relation to public services that are privatized. This year I met with officials from the Ministry of Transportation to discuss the Ministry's privatization of driver testing. This consultation resulted in the Ministry ensuring that my office will continue to have an oversight role in the complaint resolution process in relation to this area.

I believe it is important that the Ombudsman work with government organizations to achieve creative and effective solutions to problems. Many public sector employees demonstrate genuine commitment to this goal. To acknowledge this reality, I was delighted to present, once again, the Ombudsman Ontario Public Service Recognition Awards, recognizing exceptional public service in complaint resolution. The awards for 2001-2002 were received by four individuals from the following Ministries: Ministry of Correctional Services; Ministry of the Attorney General (Legal Aid Ontario); Ministry of Community and Social Services (Family Responsibility Office) and the Ministry of Health and Long-Term Care (Health Professions Appeal and Review Board).

As mentioned above, for me to carry out my mandate effectively, I must be aware of changes in policy and legislation that may affect the work of my office. I participated this year in the Ministry of Consumer and Business Services' consultative process relating to the draft *Privacy of Personal Information Act, 2002*. It appears that my office would be adversely affected by the legislation as currently drafted. I generally support the principle that there should be consistent and comprehensive rules protecting the privacy of personal information. However, I have some concerns relating to the proposed legislation. My purpose in making a submission was to preserve the powers of

investigation that already necessarily exist in the *Ombudsman Act*. I will continue to consult with the Ministry during the development of this legislation.

Consistent with my vision, my office is currently taking strategic steps to concentrate on investigating issues of significance in cases in which we may potentially make a difference. We have modified our approach to the review of decisions of administrative tribunals, requiring that complainants provide specific details of their concerns rather than statements reflecting only their general dissatisfaction with the result of the process. The *Ombudsman Act* provides the Ombudsman with the discretion not to investigate in appropriate cases. For instance, the Act provides that the Ombudsman may decide not to investigate a matter when the complainant has had knowledge of the matter for more than 12 months. Clearly, the Legislature has intended that a one-year limit for filing complaints shall be the norm subject to the discretion of the Ombudsman. Accordingly, I have determined that compelling reasons will generally have to be provided to justify an investigation of any complaint lodged beyond this time frame.

If we are to remain effective we must be aware of and learn from the practices and experiences of our Ombudsman colleagues nationally and internationally. At the national level, I continued to hold the position of Secretary of the Canadian Ombudsman Association. My office also participated in founding the Forum of Canadian Ombudsman with a broad-based membership of private and public sector Ombudsman. At the international level, I was elected Secretary of the International Ombudsman Institute. Our participation in the international arena continues to be reflected in our sharing of information on request with other jurisdictions around the world. My office, with the assistance of the Ombudsman of Alberta and the Faculty of Law of the University of Alberta is developing an Investigative Manual in cooperation with the International Ombudsman Institute for the use of its members internationally. Such work supports and enriches our primary focus on the quality of the provision of provincial government service to the public of Ontario.

I believe that with the dedication of my staff, with a renewed commitment to the values of fairness, accountability, integrity and respect, and with our comprehensive reorganization, this office will be of greater value to the public in effectively pursuing its mission of working to ensure fair and accountable provincial government service.



Clare Lewis, Q.C.  
Ombudsman

# Case Summaries

*The following summaries represent the cases referred to in the Ombudsman's Message:*

## Office of the Chief Coroner and Ministry of the Solicitor General

**Mr. L** complained that the Office of the Chief Coroner (OCC) acted unreasonably in its investigation into the death of his infant grandson and in its dealings with other authorities relating to the death. He also contended that his complaints against a Deputy Chief Coroner, which he brought to the attention of the Ministry of the Solicitor General, had never been reviewed adequately.

Mr. L's grandson had been in the care of his mother, Mr. L's daughter, who reported that her son stopped breathing after standing up under a table. The local coroner requested an autopsy by a pathologist and the assistance of the police. The initial investigation found no evidence of foul play and an autopsy report, produced eight months later, concluded that this was a Sudden Infant Syndrome (SIDS) death. The local coroner and regional coroner considered the death unusual and in accordance with OCC protocol referred the death to the OCC's Paediatric Death Review Committee. The Committee agreed the child's death was not a SIDS death and required further investigation.

The OCC retained an outside expert to review the case. This physician presented the OCC with a report, which concluded there was evidence that the death was non-accidental. He believed that the child died from a blunt head injury or asphyxiation. The OCC together with its expert met with police to discuss their concerns regarding the death. The police subsequently interrogated the mother. Charges were not laid, but the police reported the case to the Children's Aid Society (the CAS). The CAS consulted with the OCC and its expert and initiated proceedings to protect a baby the mother was expecting. Mr. L then retained his own outside medical expert who challenged the findings of the OCC's expert. The CAS prompted the OCC to retain an independent expert. The independent expert considered the cause and manner of death to be undetermined. The CAS consequently withdrew its child protection application for Mr. L's new granddaughter.

After investigation, the Ombudsman concluded that the OCC relied on expert advice and was presented with information that required that it investigate the child's death. However, he did express a number of concerns regarding the process followed by the OCC. The Ombudsman found that the role of the OCC was not clearly understood by the CAS and that the CAS and others could be left with the impression that the OCC itself had arrived at an expert opinion regarding pathological findings, when in fact it had relied on

an outside expert. The Chief Coroner consequently issued a memorandum to all CASs and coroners reminding them of the role of the OCC with respect to cases in which child protection issues may be involved.

After this case had occurred, the Chief Coroner independently issued a memorandum, "Forensic Pathology Pitfalls," reminding pathologists to remain cautious and conservative in their opinions, not to extend themselves beyond

where the evidence or experience comfortably takes them and to avoid going beyond the limits of their expertise. It also directed pathologists to obtain written reports from other

pathologists if they are being relied on to reach a conclusion. The Paediatric Death Review Committee was expanded to include two child welfare workers, a Crown Attorney and three police officers. Another committee was established to review all autopsy reports of children under two years of age. The OCC also advised that within the next year all autopsies of children under two would be conducted in one of four locations where the expertise of specialists is available.

Despite these measures, the Ombudsman had several concerns that he raised with the OCC and the Ministry. The Ombudsman was concerned that the OCC had not required its expert to obtain written reports from experts with whom he consulted. Although the OCC had developed a new policy, it appeared to the

*The Ombudsman suggested that the OCC should develop a policy clearly setting out when it is appropriate to seek independent medical opinions. The OCC agreed...*

Ombudsman that to avoid any uncertainty, the OCC should amend the policy to require that written consultation reports should not be limited to pathologists, but should be the norm if someone else's medical advice is relied on to form any significant opinion. The OCC agreed and issued a memorandum to all pathologists and coroners that requires them to obtain written consultative reports whenever additional important medical advice is relied upon to form any significant opinion when considering the cause of death.

A further aspect of this case, which the Ombudsman found troubling, was the contrast among the medical opinions offered by the various experts involved. The Ombudsman suggested that the OCC should develop a policy clearly setting out when it is appropriate to seek independent medical opinions. He believed the seriousness of the consequences to individuals affected by the OCC's findings should be a factor considered in seeking such advice. The OCC agreed and has issued a memorandum to all coroners and pathologists explaining when it may be appropriate to seek independent medical advice.

Mr. L had attempted to have his complaints against a Deputy Chief Coroner reviewed independently. As the Coroners' Council had been abolished in 1998, Mr. L wrote to the Solicitor General. The Chief Coroner confirmed that he reviewed the involvement of the Deputy Chief Coroner with senior Ministry staff and prepared the response for the Solicitor General. It appeared there was

no independent review of Mr. L's complaint. Given the critical issues dealt with by the OCC, the expertise involved and the potential impact on individuals of OCC findings, it appeared to the Ombudsman that individuals should have recourse to an impartial specialized body. The Ministry agreed to undertake an examination of the feasibility of establishing an independent complaint handling mechanism separate from the OCC. Following its review, the Ministry advised that complaints against coroners would continue to be dealt with by the Chief Coroner under the *Coroners Act*. However, complaints concerning the conduct of a Deputy Chief Coroner or the Chief Coroner would be reviewed by the Deputy Minister. The Ministry advised that depending on the nature of the complaint independent experts may be retained for assistance.

Lastly, the Ombudsman noted that the experience had exacted severe consequences on Mr. L's emotional, physical and financial health. The Chief Coroner accepted the Ombudsman's suggestion and provided Mr. L with an apology to reflect the role it played in this experience.

## Ontario Lottery and Gaming Corporation

**Mr. Y** complained that he was unfairly passed over in a job competition run by the Ontario Lottery and Gaming Corporation (OLGC), as part of a mass hiring process for the opening of a charity casino. Mr. Y had applied for two

positions. An investigation revealed that after Mr. Y was interviewed for one position, the OLGC noted there was a gap in his employment history and instructed someone to call him and tell him to bring in his references. The intent was that when Mr. Y brought in his references he would be asked to explain the gap. The OLGC had no record of who contacted Mr. Y or when. Mr. Y did produce references, but this was after the hiring decisions had been made. The OLGC failed to consider Mr. Y for the second position he had applied for.

The Ombudsman determined that there were flaws in the OLGC's mass hiring process. He tentatively concluded that the OLGC had unreasonably failed to inform Mr. Y of its concern regarding the gap in his employment history and provide him with an opportunity to address it. It also appeared that the OLGC had unreasonably failed to consider Mr. Y for the second position and to establish a hiring process that was fair, open and consistent. The Ombudsman tentatively recommended that the OLGC apologize to Mr. Y and pay him an amount of money that would recognize his frustration and lost opportunity and that the OLGC develop and implement a defined hiring process. The OLGC accepted and acted on the Ombudsman's tentative recommendations.

*The Ombudsman determined that there were flaws in the Ontario Lottery and Gaming Commission's mass hiring process. He tentatively concluded that the OLGC had unreasonably failed to inform Mr. Y of its concern regarding the gap in his employment history and provide him with an opportunity to address it.*



## Ministry of Health and Long-Term Care

The Ombudsman was contacted by an MPP on behalf of two constituents. The constituents, both cancer patients and residents of Northern Ontario, believed that the Ministry of Health and Long-Term Care was treating them unfairly when compared to cancer patients in Southern Ontario. These individuals both had to travel to obtain radiation treatment and were reimbursed one-way

mileage under the Northern Health Travel Grant Program (NHTG). They noted that patients from Southern Ontario receiving the same treatment had their accommodation, meals and travel costs covered under the Cancer Care Ontario Radiation Re-referral Program (CCORRP).

The Ombudsman investigated the issue of the Ministry's differential funding of travel costs for cancer patients on his own motion. The Ombudsman noted that the purpose of the NHTG is to help defray the transportation costs of eligible residents of Northern Ontario who must travel long distances to receive medically needed insured specialty services, including cancer treatment, that are not available locally. The CCORRP was intended to provide one-time funding to cover travel and accommodation costs, including meals, for patients who had to travel outside their region for radiation treatment, as a result of unacceptable treatment delays.

During the investigation, the Ministry noted that one of the challenges of living in a remote location is the cost of travel. It stated that the CCORRP was designed to benefit all breast and prostate cancer patients, regardless of where they live in Ontario and is applied equally to residents of Northern and Southern Ontario. However, the Ministry acknowledged that the majority of patients who receive support under the CCORRP are from Southern Ontario because the waiting lists for radiation treatment are much longer in the south than in the north. The Ministry had committed in

the spring of 2000 to review the NHTG and the CCORRP and to compare them with similar programs available in other provinces and territories. The Ministry stated that the review included an examination of the issue of health travel compensation for the entire province.

The investigation revealed that the Ministry had completed a report titled, "Patient Travel Assistance Programs in Ontario." The Ombudsman asked the Ministry for a copy of the report as it appeared to be relevant to his investigation. However, the Attorney General prevented the Ombudsman from obtaining access to the report by certifying it on the basis that the report constituted a matter of deliberation before the Executive Council. This is only the second time in the history of the Ombudsman's office that the Attorney General has blocked the Ombudsman's access to information in this manner.

The Ombudsman issued his report regarding this investigation. He noted that the Ministry quite understandably responded to a crisis with respect to medically unsound waiting times for radiation treatment by agreeing to fund the temporary CCORRP. However, he found that the unintended consequence was inequity in the funding for breast and prostate cancer patients who must travel for radiation treatment. He stated that the Ministry's failure to provide equal funding for Ontario breast and prostate cancer patients who must travel

for radiation treatment was improperly discriminatory. Although he appreciated the Ministry's position that the NHTG and CCORRP are separate and were created for different purposes, he did not believe that this excused the resulting disparity.

The Ministry did not implement the Ombudsman's recommendation to provide equal funding for breast and prostate cancer patients who must travel for radiation treatment.

Consequently, the Ombudsman submitted his final report to the Speaker of the House and the issue was referred to the Standing Committee on the Legislative Assembly. While the majority of the Standing Committee did not support the Ombudsman's position, the Ministry later announced that grants available under the NHTG Program would be increased.

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## Ministry of Community and Social Services

**Ms C** contacted our office complaining about the Ministry of Community and Social Services' policy of not reimbursing Ontario Disability Support Program (ODSP) recipients for medical transportation costs under \$15 a month. Ms C had successfully appealed a denial of reimbursement of medical trans-

portation costs to the Social Benefits Tribunal. The Tribunal found that the \$15 threshold, set out in the Ministry's policy, did not appear to have a legislative basis. Ms C was later advised by Ministry staff that the Tribunal's decision only applied to the claim at issue and that all subsequent claims under \$15 a month would be denied. She believed this position was

extremely unfair and contacted our office.

After receiving notice of the Ombudsman's intent to investigate, the Ministry advised our office that the Tribunal decision was not binding on future applications of its policy.

However, the Ministry undertook to reimburse Ms C for future medical transportation

costs even if they fell below the \$15 monthly threshold. Based on the Ministry's proposed resolution, Ms C's file was closed. However, the Ombudsman remained concerned that there were other ODSP recipients who were not being reimbursed for monthly medical transportation costs under \$15 and commenced an investigation on his own motion.

During our investigation the Ministry advised that it was reviewing its policy relating to medical transportation costs as part of the larger review of the Mandatory Special Necessities Benefit. The target date for completion of the review was late spring 2001. The Ministry also noted that it did not collect statistics on the number of ODSP recipients

who are denied reimbursement on claims beneath the \$15 threshold. Despite repeated requests, the Ministry was unable to provide a legislative foundation for its policy of limiting reimbursement.

In October 2001, the Ombudsman provided the Ministry with an investigative summary expressing the view that its policy was contrary to the regulations under the *Ontario Disability Support Program Act, 1997*. The Ombudsman tentatively concluded that the Ministry's act of requiring ODSP recipients to meet a threshold of \$15 a month for the reimbursement of medical transportation costs was both unreasonable and contrary to law and recommended that the Ministry cease applying it immediately.

*The Ombudsman tentatively concluded that the Ministry's act of requiring ODSP recipients to meet a threshold of \$15 a month for the reimbursement of medical transportation costs was both unreasonable and contrary to law and recommended that the Ministry cease applying it immediately.*

The Ministry responded to the Ombudsman's investigative summary by advising that the regulations under the *Ontario Disability Support Program Act, 1997* had been amended to provide the appropriate regulatory authority for the \$15 threshold for reimbursement of approved medical transportation costs. The regulatory amendment was filed on December 14, 2001. While the Ministry's ongoing practice was rendered lawful by the regulatory amendment, the Ombudsman remained concerned that the Ministry's practice might result in hardship for individuals who qualify for ODSP benefits. He requested an explanation from the Ministry regarding its justification for the \$15 threshold. The Ministry responded that the policy was put in place to ensure that its limited resources are directed to those most

in need and that it does not have information or statistics regarding the costs of providing reimbursement in cases in which it has been denied.

The Ombudsman provided the Ministry with a second investigative summary in which he expressed concerns about the Ministry's earlier practice as well as its current practice based on the amended regulation and recommended that the regulation be reconsidered. As the Ministry took no steps to implement the Ombudsman's recommendation, the Ombudsman issued a final report. In this report he noted that ODSP recipients are among the more vulnerable in our society and that necessary medical transportation costs, even if under \$15 a month, may be a significant burden. He concluded that the Ministry's earlier policy had been both unreasonable and contrary to law.

The Ombudsman also addressed the Ministry's application of the amended regulation. He noted that the Ministry provided no satisfactory rationale to explain the appropriateness of the \$15 threshold and had no statistical information to justify it. The Ombudsman found that this was one of the rare cases that justified a conclusion that a legislative enactment applied by a governmental organization is unfair. The Ombudsman recommended that the regulation be reconsidered and that the Ministry take all steps within its power to have the regulation amended on an expedited basis to remove the \$15 threshold. The Ministry has indicated no intention of taking any steps to implement the

Ombudsman's recommendation. The Ombudsman continues to monitor the impact of this legislative change.

## Ministry of Correctional Services

The Ombudsman considered the appropriateness of Ms D's placement and treatment while in a correctional facility. Ms D suffers from a mental illness and severe hearing loss. A third party wrote to the Ombudsman expressing concern that Ms D was placed in a segregation cell located behind two heavy doors and could be heard yelling and screaming throughout the night.

An Own Motion investigation revealed that Ms D was placed in a single segregation cell for most of the two months she spent at the facility. She did not receive regular access to showers or daily fresh air required under Ministry of Correctional Services' policy. The facility had attempted unsuccessfully to have Ms D transferred to an institution that could more appropriately accommodate her needs.

The Ombudsman tentatively concluded that the Ministry had failed to provide Ms D with a proper placement and recommended that the Ministry should ensure that inmates with special needs are placed in appropriate facilities. The Ombudsman tentatively recommended that the Ministry take steps to ensure that staff comply with Ministry policies relating to administrative segregation. The

*In this report he noted that ODSP recipients are among the more vulnerable in our society and that necessary medical transportation costs, even if under \$15 a month, may be a significant burden. He concluded that the Ministry's earlier policy had been both unreasonable and contrary to law.*

Ombudsman also expressed concern regarding the adequacy of the facility's transfer documentation.

In response, the Ministry acknowledged that the conditions of Ms D's confinement had not met expected levels of care and agreed to implement the Ombudsman's recommendations. In future, superintendents and health care coordinators will assess inmates identified as having special needs upon admission and determine whether they can accommodate the individual. If not, a properly documented transfer request will be submitted to an appropriate facility. In order to ensure that inmates receive their proper entitlement to showers and exercise while in segregation, and that record-keeping is satisfactory, superintendents will be instructed to conduct annual audits. Deficiencies will be followed up by the Ministry's Audit Branch.



# Year in Review

- Inside Ombudsman Ontario
- Complaints About Us
- Accessing Our Services
- Getting Our Message Out
- Auditor's Report
- Statement of Expenditure
- Ombudsman Ontario Organizational Chart

# Inside Ombudsman Ontario

During the last fiscal year, the Ombudsman undertook a number of important initiatives to ensure that the structures, policies and processes in place within the organization are effective and help meet the expectations of an increasingly diverse public.

## Human resources

In order to ensure that Ombudsman Ontario maintains a progressive approach to human resource management, we began an extensive review of our human resource policies and practices in March of this year. The review includes recruiting, training, performance management, planning, risk management and other topic areas. This comprehensive review will result in an assessment of our current situation, identification of best practices and an action plan for those areas where enhancements are required.

In March of this year, Ombudsman Ontario negotiated a two-year collective agreement with the Office and Professional Employees International Union (OPEIU), the union which represents Ombudsman Ontario's bargaining unit employees. The agreement was achieved prior to the expiration of the previous agreement, thus providing for a smooth transition from the old agreement to the new.

Staff training throughout the year included a one-day workshop on accommodation, in-depth training on the application of the *Ombudsman Act* for complaint services staff

and a four-day investigator's workshop that focused on investigative techniques and Ombudsman Ontario procedures and policies. Upgraded computer training was also provided for all members of staff.

## Enhanced statistical and data gathering

As a part of our ongoing evaluation program, Ombudsman Ontario is committed to ensuring that the data we collect accurately captures the nature of the office's work and the results obtained.

Last year the office revised the terminology for closed complaints to more accurately describe how a complaint is resolved.

## Information technology and web site

In May 2001, Ombudsman Ontario installed an improved telephone system that provides better service to all our offices around the province as well as a more efficient and reliable voice mail system.

Ombudsman Ontario also conducted a self-audit of cases which had been closed without full investigation. This review confirmed that internal performance standards had been met.

Modifications were made to our case management system to enhance internal accessibility and data collection. Ombudsman Ontario

continues to develop its intranet site to enhance efficiencies, including the creation of a precedent site.

Having undergone a redesign and updating to become more accessible and informative to the public, Ombudsman Ontario's web site was re-launched in the fall of 2001. New features of our site include accessibility for the visually impaired, an employment opportunity section and the ability to update our data internally. General information about Ombudsman Ontario in 31 different languages has also been added to our web site.

## International jurisdictions

Ombudsman Ontario continues to respond to requests from other ombudsman jurisdictions around the world to provide information and documentation about our process. During 2001 – 2002 the Ombudsman welcomed visitors from the Ombudsman offices of Germany, Ethiopia, Malta, Thailand, Taiwan, the Republic of Namibia and the Czech Republic.



# Complaints About Us

Since 1996, Ombudsman Ontario has had a system in place to review complaints from the public or government employees who are dissatisfied with the manner in which a complaint is handled by staff at Ombudsman Ontario. The review and investigation of such complaints ensure that we are meeting our goals of equitable and timely service, as well as providing an opportunity to improve our service delivery.

*During the fiscal year 2001 – 2002, Ombudsman Ontario reviewed 30 complaints made about our office.*

This year saw the implementation of changes to the "Complaints About Us" policy along with a streamlining of procedures. The modifications were the result of an evaluation completed in early 2001.

Complaints received are classified into one of three categories: complaints about decisions, opinions and the disposition of a file; complaints about staff conduct; and, complaints about organizational policies and procedures.

During the fiscal year 2001 – 2002, Ombudsman Ontario reviewed 30 complaints made about our office. Of the complaints handled, 22 pertained to decisions, opinions and the disposition of a file; six were about the conduct of staff, while two were about organizational policies and procedures.

In half of the complaints the office received, it was determined that no further action was warranted. The following is a breakdown of outcomes for the remaining complaints:

- In five complaints, our investigative process concerning administrative tribunals was again explained to the complainant.
- A letter upholding and explaining our decision was sent to five complainants.
- Additional information was provided or a referral given in two complaints.
- An apology was issued to complainants in two cases.
- Our file review process was explained to one complainant.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file. Alternatively, you may forward your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, or visit our web site at [www.ombudsman.on.ca](http://www.ombudsman.on.ca), or contact us by e-mail, [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca).

## *Accessing Our Service*

*A United States citizen contacted the Ombudsman to say she had inherited some Mining Stock Certificates and wanted to know where she could find information on the mine. The Access Representative found a specialized mining publication and also determined which provincial organization could provide information on the subject. The Representative also found a private company conducting searches on similar matters, and provided all the information to the caller.*

Ombudsman Ontario has provided centralized telephone service for all of its offices since the introduction of the Access Centre in 1997. Access Representatives are trained to provide confidential and accessible service.

The Access Centre answered 35,175 calls from members of the Ontario public over the 2001 – 2002 fiscal year. Access Representatives screen calls and determine whether or not a complaint is within the Ombudsman's jurisdiction. Callers with non-jurisdictional com-

plaints, which can include federal or municipal government matters and complaints regarding the courts and private entities, are often provided with referrals found in an extensive database of organizations. In this fiscal year, Access Centre staff provided information and referrals in response to over 7,000 complaints and inquiries.

The Ombudsman is committed to providing accessible services to the public and the Access Centre's seven-person team speaks over 10 different languages including French, Spanish, Swahili, Lingala, Somali and Russian. In addition, when a caller has a request to discuss his/her concern in a particular language, the representative can either obtain translation assistance among the staff at the Ombudsman's office, or arrange for a professional interpreter to translate the conversation for both parties through an interpreter service.

## Getting our Message Out

Although our public education and outreach activities have generally been reduced as a result of budget constraints, starting in the mid-1990's, our office did continue with a variety of community outreach activities during the 2001 – 2002 fiscal year.

*In September 2001, under the Ombudsman's direction, a one-year pilot project began to develop strategies to effectively conduct outreach activities in the GTA with groups and individuals who, by virtue of their socio-economic status, are less likely to know about or able to access our services.*

121 public education presentations and 41 intake clinics. Staff in the London office combined efforts with the Ottawa office to participate in the annual International Plowing Match held in Navan, just outside of Ottawa. This major agricultural event has been part of Ombudsman Ontario's regional agricultural outreach activity for several years. The Sault Ste. Marie office continued its participation in the Police Community Week event that provides an annual forum for extending awareness of our services to that community. The Thunder Bay staff held intake clinics in Fort Frances, Atikokan, Kenora, Dryden and Sioux Lookout as part of their annual fall trip to the northwest area of the province.

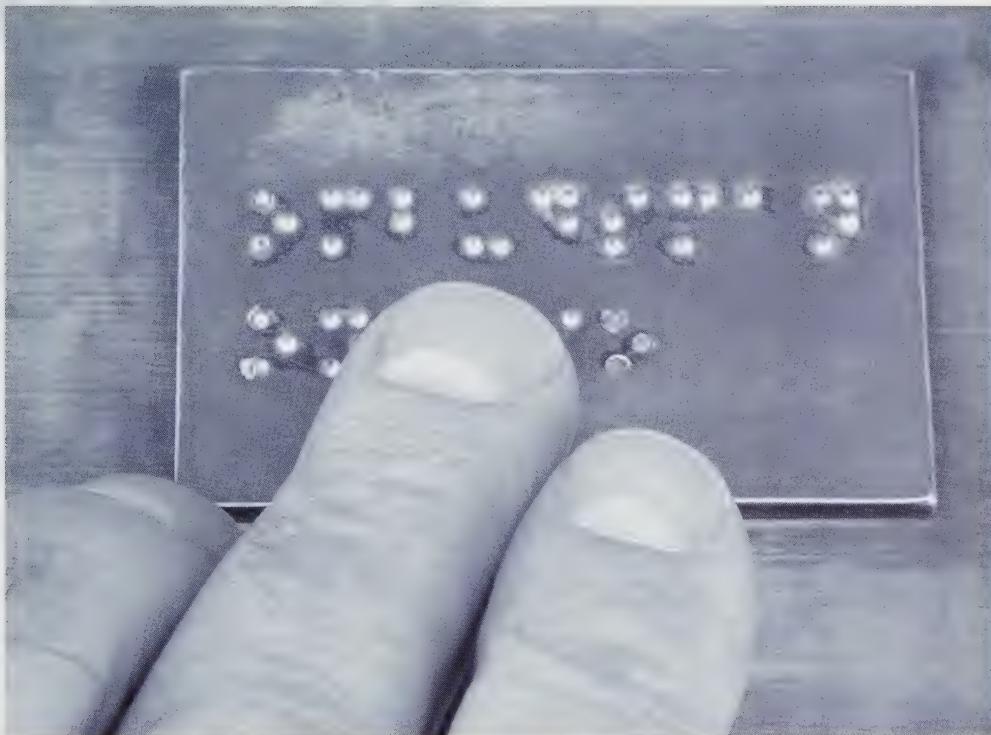
For example, the Sudbury office staff placed special emphasis on holding intake clinics in smaller communities located throughout its northeastern and central areas while Ombudsman Ontario's Travelling Representative provided services to the area of southwestern Ontario. Over the past year she conducted

### Greater Toronto Area

In recent years our statistical review revealed that complaints to our office from the Greater Toronto Area (GTA) were significantly under-representative of the volume that might be expected given the population living there. The rapid growth of residents in the GTA and the wide diversity of its population reinforced the need to review our approach to community outreach for this very significant area of Ontario's population.

In September 2001, under the Ombudsman's direction, a one-year pilot project began to develop strategies to effectively conduct outreach activities in the GTA with groups and individuals who, by virtue of their socio-economic status, are less likely to know about or able to access our services. It is anticipated that the strategies developed through this project will eventually be applied to broader and increased outreach initiatives throughout the province.

The GTA team selected a number of communities reflecting the lived realities of residing within the boundaries of the GTA. One of the communities that was chosen was a geographical neighbourhood that the 1996 Census data identified as one of the 10 neighbourhoods in Toronto with the lowest levels of income per capita. It also housed many newcomers to Canada, young families with children and



seniors. This is a diverse community in which residents interact with a wide range of government services.

Focus groups were held across the GTA with participants invited from the various community-based organizations, service agencies, school representatives and faith groups. One of the purposes of the project was to build connections within groups and communities to foster continuing awareness of and access to the Ombudsman's services.

The GTA project's efforts to date have increased the overall profile of Ombudsman Ontario significantly among targeted organizations. Over 250 representatives of target groups have now heard about Ombudsman Ontario either through our contacts, the focus groups or subsequent smaller presentations. In late 2002, the final phase of the project will begin with the training of Ombudsman Ontario staff regarding general outreach strategies developed through the GTA project.

# Auditor's Report

Office of the  
Provincial Auditor  
of Ontario



Bureau du  
vérificateur provincial  
de l'Ontario

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To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2002. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material aspects, the expenditures of Ombudsman Ontario for the year ended March 31, 2002, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario

J.R. McCarter, CA

May 8, 2002

Assistant Provincial Auditor

## Salary Disclosure

The following list of those earning \$100,000 or more in T4 income for the year 2001 is being reported in accordance with the *Public Sector Salary Disclosure Act, 1996*:

**Clare Lewis, Q.C., Ombudsman**

T4 Income	\$154,340.56
T4 Taxable Benefits	\$3,693.64

**Fiona Crean, Executive Director**

T4 Income	\$168,649.78
T4 Taxable Benefits	\$320.64

**Wendy Ray, Legal Counsel**

T4 Income	\$115,680.11
T4 Taxable Benefits	\$243.42

**Laura Pettigrew, Legal Counsel**

T4 Income	\$114,788.70
T4 Taxable Benefits	\$243.42

**Lenna Bradburn, Director, Complaint Services**

T4 Income	\$109,134.12
T4 Taxable Benefits	\$263.74

# Statement of Expenditure: for the year ended March 31, 2002

Expenditure	2001/02 Estimates \$	2001/02 Actual \$	2000/01 Actual \$
Salaries and Wages	5,007,300	4,667,247	4,591,199
Employee Benefits (note 3)	776,200	968,462	956,245
Transportation and Communication	471,900	427,064	449,460
Services	1,391,900	1,474,438	1,480,633
Supplies and Equipment	359,000	465,749	627,178
<b>Sub Total</b>	<b>8,006,300</b>	<b>8,002,960</b>	<b>8,104,715</b>
Less Miscellaneous Revenue	0	18,091	25,430
<b>Net Expenditure</b>	<b>8,006,300</b>	<b>7,984,869</b>	<b>8,079,285</b>

See accompanying notes to financial statement.

Approved:



Ombudsman

## Notes to Financial Statement: March 31, 2002

### 1. Accounting Policies

#### a) Basis of accounting

Ombudsman Ontario uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional 30 days to pay for goods and services pertaining to the fiscal year just ended.

#### b) Furniture, equipment and leasehold improvements

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

### 2. Expenditure and miscellaneous revenue

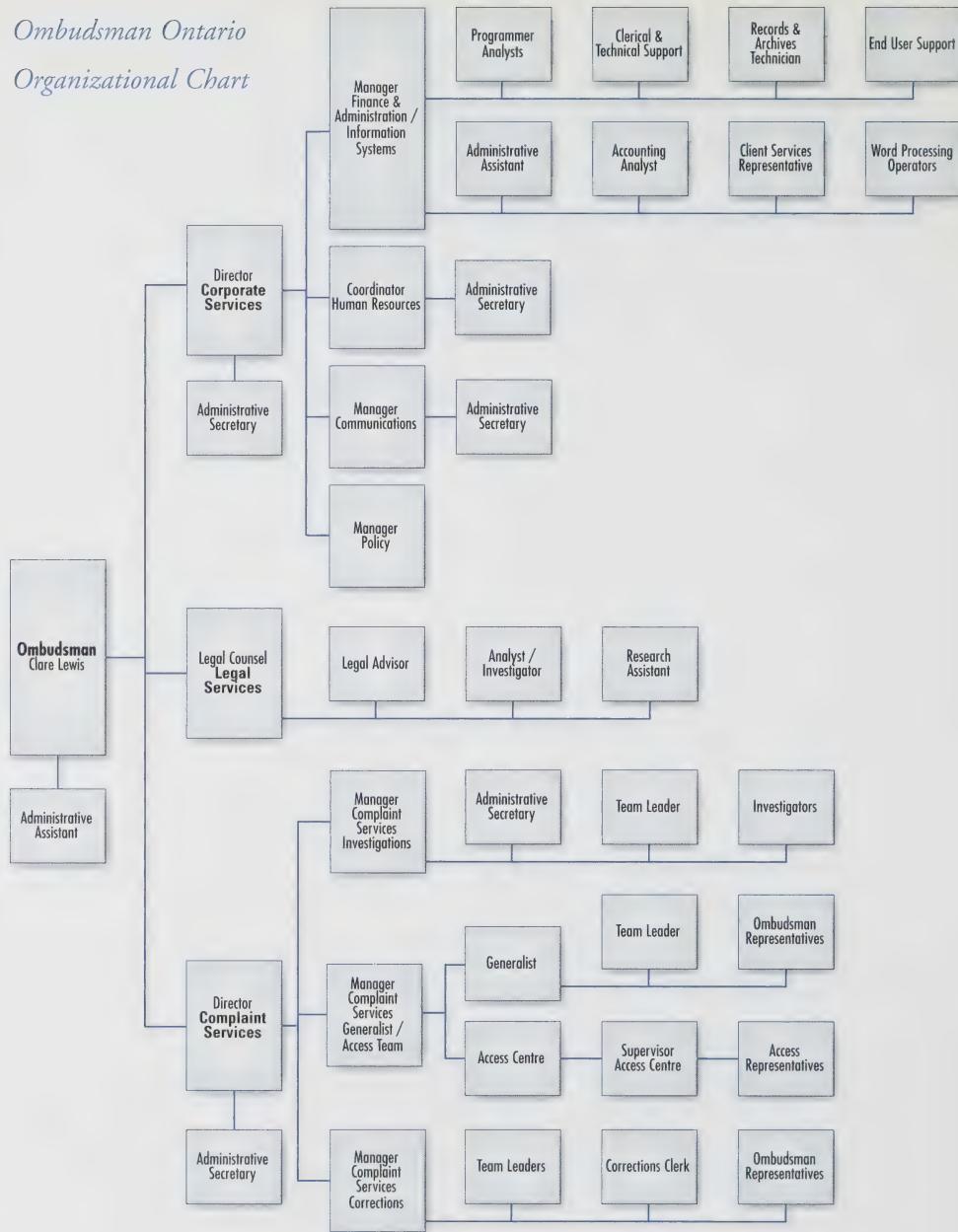
Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

### 3. Pension Plan

Ombudsman Ontario provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) established by the Province of Ontario.

Ombudsman Ontario's contribution related to the PSPF for the fiscal year 2001/2002 was \$149,682 (2000/01 - \$264,546) which is included in employee benefits.

# Ombudsman Ontario Organizational Chart



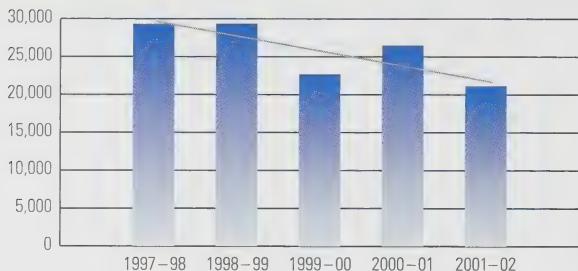
A composite image featuring a man in the top left corner with a concerned expression, holding a telephone receiver to his ear. In the bottom right corner, a woman is seated at a desk, looking down at a large stack of papers and documents. A blue decorative swirl graphic is positioned in the upper left area of the slide.

# Complaints

- The Story in Numbers
- Statistical Charts
- The Complaint Process

# The Story in Numbers

*Total complaints:  
Fiscal years 1997–1998 to 2001–2002*



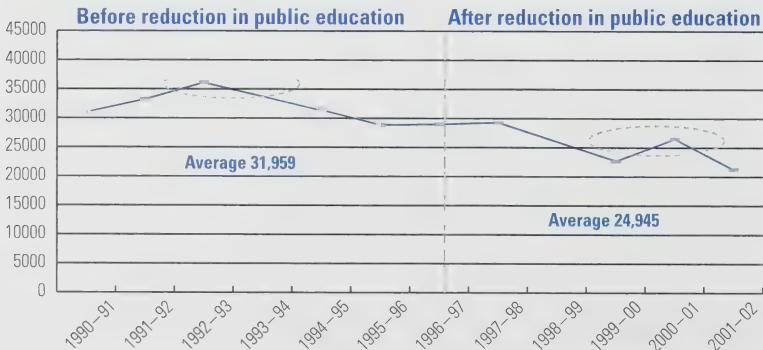
The number of complaints closed declined from 26,538 in 2000–2001 to 21,186 in 2001–2002. As the above graph illustrates, the decline is reflective of a longer-term trend.

A statistical review undertaken by our office this year analyzed complaint data from the past several years and identified a variety of factors that have influenced this downward pattern. These included the significant reduction in public

education and outreach activities and changes in procedures for the coding of incoming complaints.

The reduction of public education and outreach activities due to budgetary constraints starting in the 1996–1997 fiscal year has had a long-term impact on the public's level of awareness about Ombudsman Ontario and its services as demonstrated in the following graph.

## *Complaints closed: 1990–2002*



*A spike in complaints during an economic recession is evident in both periods but a decline in complaints is clearly apparent after a reduction in public education outreach activities.*

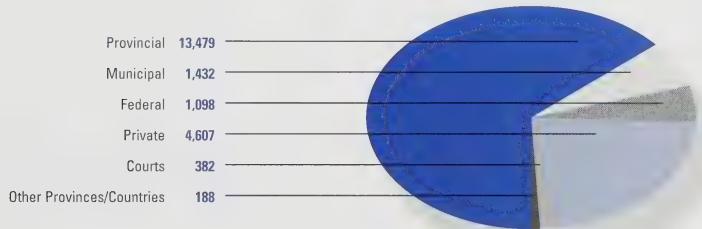
Influencing the decline in complaints for this fiscal year have been changes in the way the organization codes incoming complaints. Although the changes more accurately reflect the overall level of complaints, they have resulted in fewer inquiries being closed as complaints.

Of the total number of people who contacted Ombudsman Ontario with complaints and inquiries, 75 percent contacted us by phone; 17 percent wrote to us; four percent visited

an Ombudsman Ontario office or met with an Ombudsman Representative at a community meeting; three percent contacted us via the Internet; and, one percent fell into the category of "other," which included complaints received through a Member of Provincial Parliament or through an Own Motion investigation initiated by the Ombudsman.

The following chart provides a breakdown of the total number of complaints and inquiries closed by organizational type.

### *Complaints and inquiries closed during 2001–2002*



### *Getting results*

Of the total complaints and inquiries received, 13,479 related to provincial government organizations and fell within our legislative mandate. In the vast majority of these matters (10,778), assistance was provided through referrals or inquiries made by our staff.

### *In a timely manner*

While 75 percent of all complaints were closed within 24 days of receipt, 50 percent were actually closed within seven days.

However, not all complaints can be resolved quickly. Some involve more complex issues and require a formal investigation. On average these formal investigations were resolved in just over 12 months.

## *Government complaint trends*

The proportion of complaints to our office about provincial government organizations saw an increase of three percent over last year. Excluding complaints received from individuals in provincial correctional facilities, the provincial programs generating the most complaints were the Family Responsibility Office (1,135); Workplace Safety and Insurance Board (751); and the Ontario Disability Support Program (570). Combined, these three accounted for 42.5 percent of the total

provincial government complaints received by Ombudsman Ontario – a four percent increase from last year.

In examining the type of complaints received by our office, it became evident that across many provincial organizations there were a significant number of complaints that involved a customer service or communications issue. These included, not being provided with adequate information about a program by a government employee; no communication being received in response to an inquiry; the inability to obtain a file status update; and a delay in receiving benefits.

## *Top 10 government organizations complained about*

<b>Organization/Program</b>	<b>Complaints</b>	<b>Percentage of total</b>
Family Responsibility Office	1,135	19.60
Workplace Safety and Insurance Board	751	12.99
Ontario Disability Support Program	570	9.85
Workplace Safety and Insurance Appeals Tribunal	210	3.63
Ontario Student Assistance Program	200	3.46
Ontario Human Rights Commission	164	2.84
Ministry of Transportation – Driver Licensing Program	161	2.78
Legal Aid Ontario	157	2.72
Ontario Rental Housing Tribunal	124	2.27
Ministry of Health and Long-Term Care	109	1.89

## *Complainant profile*

Ombudsman Ontario is committed to delivering services that meet the diverse needs of communities throughout Ontario. One way of helping to achieve this goal is by surveying complainants (excluding complaints from individuals in correctional facilities) to determine the profile of those who contact our office. The survey, which is voluntary and anonymous, collects information about gender, age, race, parental status, disability, Aboriginal/First Nation status and household income. The survey results help the Ombudsman identify groups that are being underserved by our office, as well as track emerging issues of concern for the Ontario public.

The complainant data collected through the survey is also correlated with the complaints we receive about various provincial government organizations. This allows us to better understand the concerns particular groups have about certain government bodies and agencies.

With the release in the coming year of new Statistics Canada data from the 2000 Census, Ombudsman Ontario will be comparing its own survey results with these numbers to help ensure our programs are reaching all groups and communities in the province.

## *Complainant profile by race*

<b>Racial Group</b>	<b>Percentage of complainants</b>
White/Caucasian	84
Racial minority*	9
Aboriginal/First Nation	4
No answer	3

\*Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

## *Complainant profile – selected groups*

<b>Group</b>	<b>Percentage of complainants</b>
People with disabilities	30
Sole-support parents	16
Seniors – age 65 and over	8
Youth – under age 25	3

During the 2001 – 2002 fiscal year there was no dramatic change in the proportion of complaints received from the demographic categories listed in the survey. The percentage of complainants identifying themselves as having an income of less than \$30,000 remained at around 48 percent while the proportion of complainants with a disability rose one percent to 30 percent. Showing a slight increase were complaints from sole-support parents which rose from 13 percent to 16 percent.

### *Other highlights*

- Three percent of this year's complaints came from youth, up one per cent from last year. Amongst this demographic group the largest number of complaints, 11 percent, were about the Ontario Student Assistance Program, an increase of two percent over the previous year.

- Complaints from seniors rose slightly to eight percent from seven.
- Continuing a pattern from the past several years, First Nations and aboriginal peoples, though accounting for two percent of Ontario's population, comprised four percent of survey respondents. This overrepresentation is likely due to the fact that many First Nations and aboriginal peoples live in Northern Ontario, a part of the province where community education efforts were not significantly reduced over the past several years.
- The proportion of respondents identifying themselves as a racial minority rose to nine percent from eight percent last year. However, given that they account for 16 percent of Ontario's population, they are still underrepresented in our complainant data.

*In order of frequency, the most common types of jurisdictional complaints investigated by Ombudsman Ontario this year were:*

Types of Complaints		Rank Previous Year
1	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	3
2	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	2
3	Adverse impact or discriminatory consequence of a decision or policy on an individual or group	1
4	Insufficient reasons for a decision or no reasons given	7
5	Harrassment by a governmental official; bias; mismanagement; bad faith	4
6	Inadequate or improper investigation conducted	8
7	Denial of service	6
8	Failure to adequately or appropriately communicate with a client	5
9	Unfair settlement imposed; coercion	12
10	Failure to keep a proper record	11
11	Other	9
12	Omission to monitor or manage an agency for which the governmental organization is responsible	14
13	Unreasonable delay	10
14	Failure to provide sufficient or proper notice	13

## *Outcome of complaints and inquiries closed during 2001–2002*

	<b>Non-Provincial</b>	<b>Provincial</b>
Discontinued by Complainant		1,275
Discontinued by Ombudsman		30
Resolved in Favour of Complainant		1,522
Resolved in Favour of Government		718
Resolved Independently		409
Inquiry Made/Referral Given/Resolution Facilitated	7,631	9,256
No Action Possible	76	269
<b>Totals of all outcomes</b>	<b>7,707</b>	<b>13,479</b>

## *Glossary*

- **Discontinued by Ombudsman or complainant:** The Ombudsman may, at his discretion, discontinue an investigation for a variety of reasons including: receipt of additional information indicates that further investigation is unnecessary; the agency has taken steps to resolve the problem; the Ombudsman has previously investigated the case; or the complainant does not, for a number of reasons, wish to pursue the matter.
- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported or some resolution that benefits the complainant is achieved.
- **Resolved by Ombudsman in favour of the government:** The complaint was either not supported or it was determined that the government's conduct did not warrant further investigation. In some cases, suggestions for change of policy or systems are recommended to the governmental organization.
- **Resolved independently:** The complaint is resolved with minimal involvement of the Ombudsman.
- **Inquiry made/Referral given/Resolution facilitated:** Assistance given to resolve a problem through discussion, inquiries of the organization complained about, information shared or other tangible methods of resolution; by giving name and phone number of appropriate jurisdictional organization; or actually calling the organization to confirm jurisdiction to handle the matter and make inquiries.
- **No action possible:** No assistance can be given as the problem can not either adequately be defined, the information given does not require the Ombudsman to take action, the complainant is anonymous, or it is beyond our capacity to facilitate a resolution.

*Complaints and inquiries against provincial government organizations by final resolution (Where a complaint is made against the ministry in general, it is identified as "other")*

ORGANIZATION	Complainant	Complaint Resolved by Ombudsman in favour of: Gov't Org with Suggst.	Independently Resolved	Investigation Discontinued By Com'l	Investigation Discontinued By Omb.	Resolution Facilitated/ Referral Given Inquiry Made	No Action Possible	Total
<b>MANAGEMENT BOARD</b>								
MANAGEMENT BOARD SECRETARIAT	2	1				18		21
ONTARIO PENSION BOARD						7		7
ONTARIO REALTY CORPORATION						4		4
<b>MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS</b>								
OFFICE OF FRANCOPHONE AFFAIRS						3		3
<b>MINISTER RESPONSIBLE FOR SENIORS</b>								
ONTARIO SENIORS' SECRETARIAT						2		2
<b>MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS</b>								
OTHER		1				7		8
AGRICORP						1		1
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL						2		2
FARMLAND PROPERTY TAX PROGRAM		2				2		4
<b>MINISTRY OF CITIZENSHIP</b>								
OTHER						1		1
ONTARIO HUMAN RIGHTS COMMISSION	10	20	1	1	3	116	13	164
<b>MINISTRY OF COMMUNITY AND SOCIAL SERVICES</b>								
OTHER	1	5		1	1	88	1	97
ADOPTION DISCLOSURE REGISTER						5		5
DISABILITY ADJUDICATION UNIT	4					29		33
FAMILY BENEFITS					1	8		9
FAMILY RESPONSIBILITY OFFICE	125	35	5	15	7	926	22	1135
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY						14		14
ONTARIO DISABILITY SUPPORT PROGRAM	42	30		9	4	477	8	570
SOCIAL ASSISTANCE REVIEW BOARD	1				1			2
SOCIAL BENEFITS TRIBUNAL	4	12		1	1	77	5	100
SPECIAL SERVICES AT HOME PROGRAM						10		10
THISTLETOWN REGIONAL CENTRE						1		1
YOUNG OFFENDER FACILITIES					2	1	6	9
<b>MINISTRY OF CONSUMER AND BUSINESS SERVICES</b>								
OTHER	2	1		1	1	61	1	67
ALCOHOL AND GAMING COMMISSION OF ONTARIO	5			1		17		23
LICENCE APPEAL TRIBUNAL		2				4		6
LIQUOR CONTROL BOARD OF ONTARIO						6		6
OFFICE OF THE REGISTRAR GENERAL	7			1	1	47	2	58
<b>MINISTRY OF CORRECTIONAL SERVICES</b>								
OTHER	4		1	2		39	1	47
CORRECTIONAL CENTRES	429	141		113	382	2	1558	40
DETENTION CENTRES	395	104	1	128	333	19	1427	40
JAILS	300	126	4	88	411	2	1339	38
ONTARIO PAROLE AND EARNED RELEASE BOARD					2		6	8
PROBATION AND PAROLE SERVICES	1			1			27	
YOUNG OFFENDER FACILITIES	25	15		14	46		92	1
<b>MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE</b>								
OTHER							4	4
<b>MINISTRY OF EDUCATION</b>								
OTHER	2	1			2		31	2
ONTARIO SPECIAL EDUCATION TRIBUNAL							2	2

*Complaints and inquiries against provincial government organizations  
by final resolution (Where a complaint is made against the ministry in general, it is identified as "other")*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued By Com't	Resolution Facilitated/ Referred Given Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org	Gov't Org with Suggest.					
<b>MINISTRY OF ENERGY, SCIENCE AND TECHNOLOGY</b>								
OTHER						10		10
HYDRO ONE INC.	12			2	1	69	2	86
ONTARIO ELECTRICITY FINANCIAL CORP.		1				3		4
ONTARIO POWER GENERATION INC.							1	1
ONTARIO ENERGY BOARD	3					18		21
<b>MINISTRY OF FINANCE</b>								
OTHER	2			1		26	1	30
FINANCIAL SERVICES COMMISSION OF ONTARIO	1	2				84	1	88
FINANCIAL SERVICES TRIBUNAL						1		1
MOTOR VEHICLE ACCIDENT CLAIMS FUND	1					6		7
MUNICIPAL PROPERTY ASSESSMENT CORPORATION						19	1	20
ONTARIO SECURITIES COMMISSION		2				8		10
PROVINCIAL TAX PROGRAMS (NON PST)	1			1		10		12
RETAIL SALES TAX (PST)	4			1		25	1	31
<b>MINISTRY OF HEALTH AND LONG TERM CARE</b>								
OTHER	8	3		1		92	5	109
ASSISTIVE DEVICES / HOME OXYGEN PROGRAMS						13		13
CANCER CARE ONTARIO						3		3
CONSENT AND CAPACITY BOARD						1	3	4
DRUG PROGRAMS BRANCH – ONTARIO DRUG BENEFIT PROGRAM					1	12		13
DRUG PROGRAMS BRANCH – SECTION 8 REQUESTS		1				5		6
DRUG PROGRAMS BRANCH – TRILLIUM DRUG PROGRAM	5			1	1	24	1	32
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD		7			2	19		28
HEALTH SERVICES APPEAL AND REVIEW BOARD	1	2			2	6		11
LONG TERM CARE PROGRAM	2					3		5
NORTHERN HEALTH TRAVEL GRANT	1	1			2	23	1	30
ONTARIO HEALTH INSURANCE PLAN	3	3		1		79	1	87
PATIENT ADVOCATES						1		10
PSYCHIATRIC HOSPITALS/MENTAL HEALTH CENTRES	2	12				47	2	63
<b>MINISTRY OF LABOUR</b>								
OTHER		1			1	42	1	45
EMPLOYMENT PRACTICES BRANCH	1					39	1	41
GRIEVANCE SETTLEMENT BOARD		1				3		4
OFFICE OF THE EMPLOYER ADVISER						2		2
OFFICE OF THE WORKER ADVISER	4	2		1		29	1	37
ONTARIO LABOUR RELATIONS BOARD	4	11			3	30	2	50
PAY EQUITY COMMISSION	1					3		4
PUBLIC SERVICE GRIEVANCE BOARD		1						1
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	7	56		1	16	120	10	210
WORKPLACE SAFETY AND INSURANCE BOARD	32	10		6	9	1	672	21
751								
<b>MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING</b>								
OTHER		3				26	3	32
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD							3	3
ONTARIO RENTAL HOUSING TRIBUNAL	3	10	1	2	6	94	8	124
<b>MINISTRY OF NATURAL RESOURCES</b>								
OTHER		4			4	34	2	44
CROWN LAND	1	4			1	9		15
LICENCES/TAGS	1					13	1	15
PROVINCIAL PARKS						8		8

*Complaints and inquiries against provincial government organizations by final resolution (Where a complaint is made against the ministry in general, it is identified as "other")*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued	Resolution Facilitated/ Referral Given Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org	Gov't Org with Suggst.					
<b>MINISTRY OF NORTHERN DEVELOPMENT AND MINES</b>								
OTHER						4		4
ONTARIO NORTHLAND TRANSPORTATION COMMISSION						2		2
<b>MINISTRY OF THE ATTORNEY GENERAL</b>								
OTHER	2			1		29	1	33
ASSESSMENT REVIEW BOARD		4			4	13	1	22
CHILDREN'S LAWYER	1					15		16
CRIMINAL INJURIES COMPENSATION BOARD	4	2				14		20
CROWN ATTORNEYS						11	1	12
LEGAL AID ONTARIO	14	3		3	3	1	129	4
ONTARIO MUNICIPAL BOARD		1		1	1		11	
PUBLIC GUARDIAN AND TRUSTEE	5	7		2	1		80	2
<b>MINISTRY OF THE ENVIRONMENT</b>								
OTHER	1	2	2			37		42
ENVIRONMENTAL REVIEW TRIBUNAL					1		1	2
ONTARIO'S DRIVE CLEAN PROGRAM	1	2					11	14
<b>MINISTRY OF THE SOLICITOR GENERAL</b>								
OTHER	1	2			2		12	
OFFICE OF THE CHIEF CORONER	2	2					4	8
OFFICE OF THE FIRE MARSHAL	1							1
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES (FORMERLY OPC)						15		15
ONTARIO PROVINCIAL POLICE						30		30
<b>MINISTRY OF TOURISM, CULTURE AND RECREATION</b>								
OTHER						5		5
ART GALLERY OF ONTARIO						1		1
ONTARIO ARTS COUNCIL						3		3
ONTARIO LOTTERY AND GAMING CORPORATION	2		1			9		12
ONTARIO SCIENCE CENTRE						1		1
ONTARIO TRILLIUM FOUNDATION		1				2		3
ROYAL ONTARIO MUSEUM						2		2
<b>MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES</b>								
OTHER		1		1		19		21
COLLEGES OF APPLIED ARTS AND TECHNOLOGY		6			1		21	
ONTARIO STUDENT ASSISTANCE PROGRAM	10	13	2	2	6	160	7	200
<b>MINISTRY OF TRANSPORTATION</b>								
OTHER	1	3		2		53	3	62
ONTARIO HIGHWAY TRANSPORT BOARD	1							1
TORONTO AREA TRANSIT OPERATING AUTHORITY						1		1
DRIVER LICENSING	6	16		1	2	131	5	161
HIGHWAYS	1	1				19	1	22
MEDICAL REVIEW SECTION	5	2		2	2	66		77
DRIVER EXAMINATION CENTRES	1	2			1	10	2	16
VEHICLE LICENSING	1	1		2	1	28		33
<b>ONTARIO GOVERNMENT</b>								
OTHER						68		68
ENVIRONMENTAL COMMISSIONER OF ONTARIO						2		2
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO						20	1	21
OFFICE OF THE INTEGRITY COMMISSIONER						1		1
OFFICE OF THE LIEUTENANT GOVERNOR						1		1
OFFICE OF THE PREMIER						6		6
OFFICE OF THE PROVINCIAL AUDITOR						1		1

*Complaints and inquiries against the Ministry of Correctional Services\**

By Subject Matter	
STAFF CONDUCT	738
HEALTH – ADEQUACY OF CARE	567
LIVING CONDITIONS – FOOD/DIET	497
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	439
HEALTH – MEDICATION (OTHER)	401
LIVING CONDITIONS	364
PERSONAL/INMATE PROPERTY	355
YARD	345
LIVING CONDITIONS – CLOTHING SIZE, CONDITION ETC.	301
RESPONSES TO INMATE REQUESTS	272
HEALTH – DELAY	255
LIVING CONDITIONS – CLEANLINESS, HYGIENE, SANITATION	252
OTHER	247
CORRESPONDENCE	212
TELEPHONE ACCESS/USE	205
CANTEEN	181
ADMINISTRATIVE SEGREGATION	166
LIVING CONDITIONS – LOCKUP	165
LIVING CONDITIONS – OVERCROWDING	160
LIVING CONDITIONS – HEATING, VENTILATION, AIR	152
INMATE MISCONDUCT ISSUANCE ADJUDICATION	150
LIVING CONDITIONS – SEGREGATION	146
HEALTH – PRESCRIPTION REQUEST	141
HEALTH – OTHER	138
VISITING PRIVILEGES	133
SECURITY – LOCKDOWN	131
LIVING CONDITIONS – PERSONAL HYGIENE	129
By Subject Matter	
INMATE TRUST ACCOUNT	126
ALLEGATIONS OF EXCESSIVE FORCE – STAFF MISCONDUCT	113
LIVING CONDITIONS – BEDDING/MATTRESSES/ TOWELS	112
POLICY/PRACTICE	105
HEALTH – MEDICAL DIET	104
OMBUDSMAN ACCESS (LETTER OR PHONE)	90
HEALTH – SPECIALIST APPOINTMENTS	86
INMATE-INMATE DISPUTES/ASSAULTS	82
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAM	79
SPECIAL NEEDS/TREATMENT UNIT	78
ADMINISTRATION – OTHER	76
LIVING CONDITIONS – SMOKING	75
HEALTH – DENTAL – PREVENTATIVE OR RESTORATIVE	72
HEALTH – DENTAL – EMERGENCY	69
HEALTH – CONTINUITY OF CARE (ADMISSIONS)	65
ADMINISTRATION – DELAY	64
CONFINEMENT SEGREGATION	61
CLASSIFICATION – OTHER	61
PAROLE – COMMUNITY SERVICES/PPD	59
HEALTH – METHADONE PROGRAM	58
LOST EARNED REMISSION	57
COMMittal/SENTENCE CALCULATION	57
RELIGIOUS OR LIFE STYLE DIET	55
TEMPORARY ABSENCE PASSES	54
HEALTH – GENERAL DENTAL	53
SEARCHES	52
HEALTH – STAFF CONDUCT	51
PROTECTIVE CUSTODY	44

\* As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.

## Complaints and inquiries against the Ministry of Correctional Services\*

By Subject Matter	
LIVING CONDITIONS – CELL TIME	42
RELIGIOUS/SPIRITUAL OBSERVANCE	42
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	39
INTERMITTENT SENTENCE	37
HEALTH – MEDICAL APPLIANCES/DEVICES REQUESTS	36
INSTITUTIONAL DISCIPLINE – OTHER THAN INMATE MISCONDUCT	35
ADMINISTRATION – UNFAIRNESS	34
HEALTH – SECOND MEDICAL OPINION REQUESTS	31
NEWSPAPER SUBSCRIPTIONS/DELIVERY	28
HEALTH – DIAGNOSIS	28
HEALTH – CONTINUITY OF CARE (TRANSFER)	27
REQUEST FOR PROCEDURAL INFORMATION	26
HEALTH – HOSPITAL VISITS/ ADMISSION	26
ADMINISTRATION – NO RESPONSE TO CORRESPONDENCE	25
PRE-RELEASE	24
RACE RELATED COMPLAINTS	24
HEALTH – GLASSES, EYE CARE	22
REQUEST FOR PHONE NUMBER OR ADDRESS	22
HEALTH – DENTAL – DENTAL APPLIANCES/DENTURES	19
INMATE TRANSPORTATION UPON RELEASE	16
HEALTH – HIV/AIDS	17
PROBATION	15
MENTAL HEALTH CARE	14
COMPLAINANT IS ON IMMIGRATION HOLD	14
HEALTH – SMOKING CESSION ASSISTANCE	13
INMATE INSTITUTION GUIDE	10
ALLEGATIONS OF REPRISAL FOR OMBUDSMAN CONTACT	10
ELECTRONIC MONITORING	10
HEALTH – MEDICAL SEGREGATION	10
FREEDOM OF INFORMATION /PROTECTION OF PRIVACY	9
HEALTH – SUICIDE WATCH	9
ADMINISTRATION – INADEQUATE/ NO COMMUNICATION RECEIVED	9
LOST EARNED REMISSION PUNITIVE SEGREGATION	9
TRANSFER–FEDERAL INSTITUTION	7
FRENCH LANGUAGE SERVICES	7
ADMINISTRATION – PROGRAM INFORMATION INADEQUATE	7
ADMINISTRATION – BIAS	7
HEALTH – HEPATITIS	6
MEALS AT COURT	6
BAILIFFS	6
HEALTH – HUNGER STRIKE – FOOD WATCH	6
LEGAL AID	6
HEALTH – SEGREGATION	6
CHARTER OF RIGHTS/HUMAN RIGHTS	6
EMPLOYMENT – OTHER	6
ADMINISTRATION – UNABLE TO OBTAIN FILE STATUS UPDATE	4
BOARD OF PAROLE – DECISION RELATED	4
HEALTH – MEDICAL CONFIDENTIALITY/PRIVACY	4
LIVING CONDITIONS – IMMIGRATION HOLD	3
ADMINISTRATION – EXCESSIVE BUREAUCRACY	2
HEALTH – PRE-NATAL CARE	1
NEPOTISM	1
RESTRUCTURING	1
ACCESS TO SERVICES (TECHNOLOGY) – INTERNET	1
EMPLOYMENT – UNFAIR COMPETITION	1

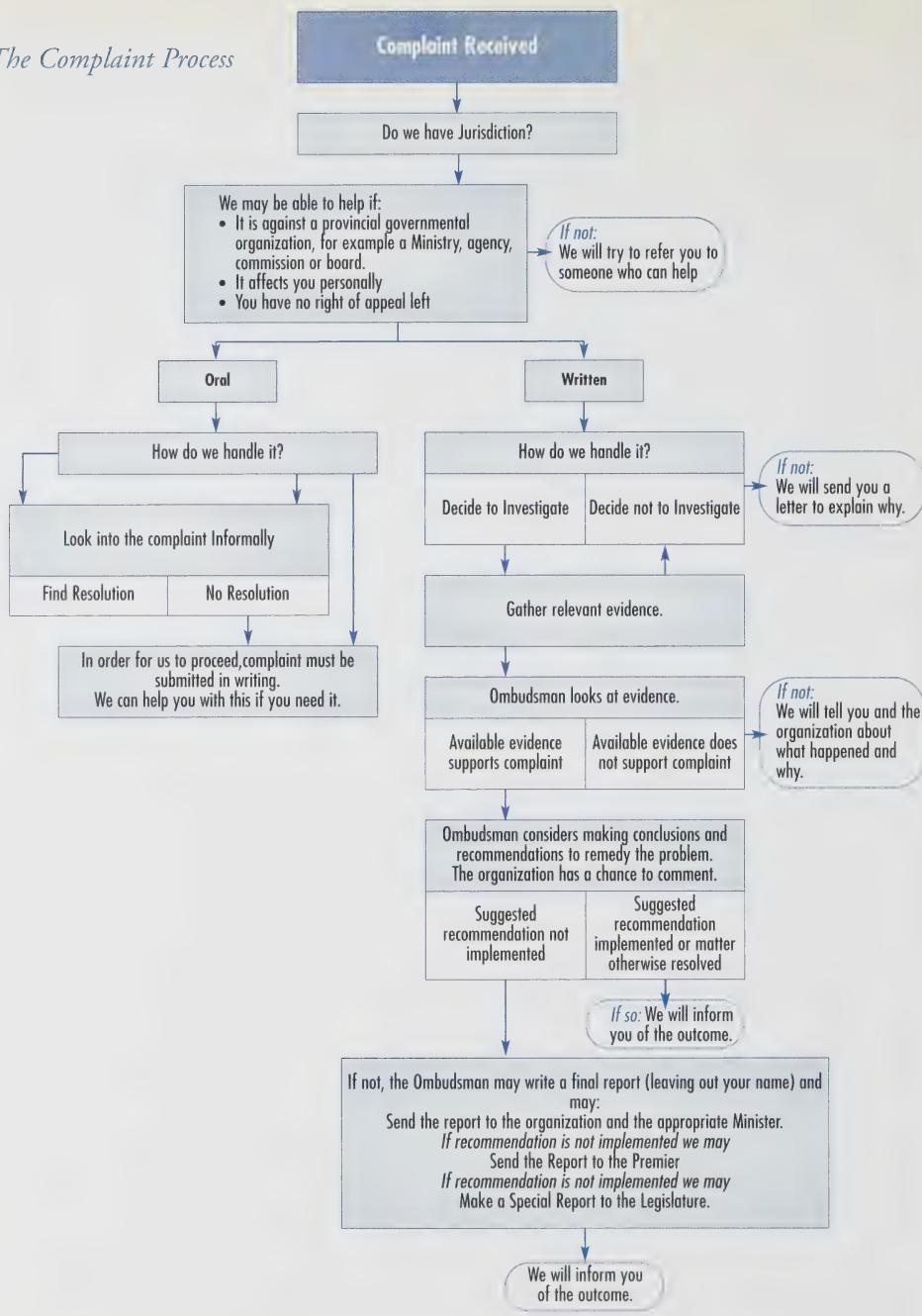
\* As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.

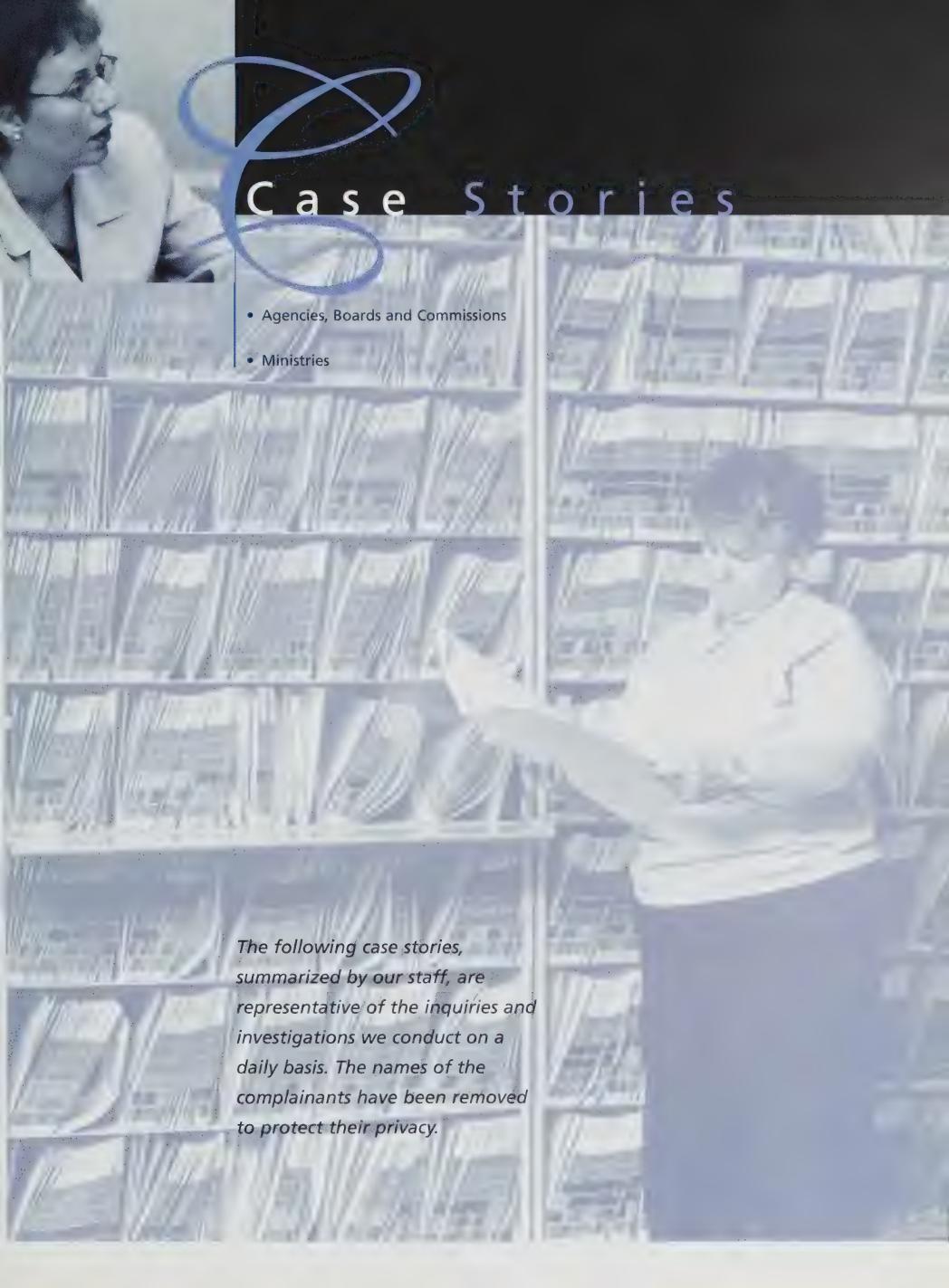
*Complaints and inquiries by provincial ridings (excluding complaints against the Ministry of Correctional Services)\**

Riding	Total	Riding	Total	Riding	Total
Algoma – Manitoulin	232	Kingston and The Islands	78	Renfrew – Nipissing – Pembroke	101
Ancaster – Dundas – Flamborough		Kitchener – Waterloo	58	Sarnia – Lambton	108
Aldershot	28	Kitchener Centre	77	Sault Ste. Marie	417
Barrie – Simcoe – Bradford	100	Lambton – Kent – Middlesex	87	Scarborough – Agincourt	29
Beaches – East York	53	Lanark – Carleton	76	Scarborough – Rouge River	24
Bramalea – Gore – Malton		Leeds – Grenville	97	Scarborough Centre	41
Springdale	42	London – Fanshawe	91	Scarborough East	39
Brampton Centre	42	London General Area	8	Scarborough Southwest	53
Brampton West – Mississauga	41	London North Centre	136	Simcoe – Grey	84
Brant	89	London West	102	Simcoe North	137
Bruce – Grey – Owen Sound	137	Markham	24	St. Catharines	86
Burlington	46	Mississauga Centre	42	St. Paul's	64
Cambridge	59	Mississauga East	22	Stoney Creek	53
Chatham – Kent – Essex	143	Mississauga General Area	3	Stormont – Dundas	
Davenport	50	Mississauga West	2	Charlottenburgh	58
Don Valley East	25	Mississauga South	73	Sudbury	143
Don Valley West	27	Nepean – Carleton	36	Sudbury General Area	1
Dufferin – Peel – Wellington		Niagara Centre	72	Thornhill	35
Grey	70	Niagara Falls	60	Thunder Bay – Atikokan	120
Durham	48	Nickel Belt	114	Thunder Bay – Superior North	163
Eglinton – Lawrence	42	Nipissing	144	Thunder Bay General Area	1
Elgin – Middlesex – London	119	Northumberland	88	Timiskaming – Cochrane	165
Erie – Lincoln	54	Oak Ridges	38	Timmins – James Bay	126
Essex	105	Oakville	48	Toronto – Danforth	73
Etobicoke – Lakeshore	49	Oshawa	73	Toronto Centre – Rosedale	105
Etobicoke Centre	33	Oshawa General Area	2	Toronto General Area	29
Etobicoke North	75	Ottawa Centre	77	Trinity – Spadina	58
Glengarry – Prescott – Russell	55	Ottawa – Orléans	40	Unknown	45
Guelph – Wellington	94	Ottawa South	37	Vaughan – King – Aurora	39
Haldimand – Norfolk – Brant	106	Ottawa – Vanier	48	Waterloo – Wellington	50
Haliburton – Victoria – Brock	108	Ottawa West – Nepean	90	Whitby – Ajax	59
Halton	79	Ottawa General Area	6	Willowdale	29
Hamilton East	75	Out Of Province/International	207	Windsor – St. Clair	106
Hamilton General Area	1	Oxford	96	Windsor General Area	5
Hamilton Mountain	70	Parkdale – High Park	59	Windsor West	132
Hamilton West	90	Parry Sound – Muskoka	149	York Centre	52
Hastings – Frontenac – Lennox and Addington	102	Perth – Middlesex	56	York North	46
Huron – Bruce	82	Peterborough	81	York South – Weston	33
Kenora – Rainy River	153	Pickering – Ajax – Uxbridge	34	York West	32
		Prince Edward – Hastings	85		

\* Where address information is available

## The Complaint Process





## Case Stories

- Agencies, Boards and Commissions
- Ministries

*The following case stories, summarized by our staff, are representative of the inquiries and investigations we conduct on a daily basis. The names of the complainants have been removed to protect their privacy.*

# Agencies, Boards and Commissions

## Ontario Human Rights Commission

### *Commission revisits two cases*

**Ms Y** contacted our office to complain about the Ontario Human Rights Commission.

Following a review of the Commission's file, it appeared that Ms Y may have made a submission to the Commission that was not considered by the Commissioners when making their decisions on her case. Our office contacted the Commission to discuss this matter. As a result, the Commission advised the parties that it may have breached its duty of procedural fairness and indicated that the matter would be returned to the Commissioners with a recommendation

that its original decision be declared invalid.

**Ms R** complained about decisions of the Ontario Human Rights Commission. After reviewing Commission files that did not appear to be complete, we asked the Commission to confirm what materials it considered in arriving at its decisions. The Commission indicated that some documents had not been appropriately filed and not all of the necessary submissions had been made available to the Commissioners. The Commission undertook to place the case before the Commission again.



*Dear Ombudsman...*

*Within a few minutes of calling your office, I felt your empathetic concern, and although you made no promises, you were committed to resolve the issue. What I remember most about my dealings with your office, you demonstrated to me how power can be used in a compassionate way to help others.*

## Assessment Review Board

### *Board revises information*

**Mr. J** complained about the criteria used by the Assessment Review Board in considering his case. His case was not investigated, as he had not pursued an opportunity to request reasons and reconsideration of the Board's decision. However, Mr. J raised a general issue relating to the Board's practice of considering only limited sales information in determining the assessed value of property. The Ombudsman contacted the Board regarding this. As a result, the Board revised the information available on its website to indicate that in some cases it may consider sales information from years other than the valuation year or the years immediately preceding or following the valuation year. The Board also undertook to ensure that its printed material would be similarly amended.

### *Board schedules new hearing*

**Mr. Q** complained about the Ontario Property Assessment Corporation and the Assessment Review Board. He had filed appeals regarding his property assessments for 1998, 1999 and a 1998 supplementary assessment. Prior to a Board hearing, the Corporation's assessor and Mr. Q agreed that the assessed values would be reduced. Mr. Q was told he did not need to attend the hearing, and that the Corporation would file the necessary papers and recommend that the

Board sanction the agreement. Decisions were subsequently rendered by the Board confirming the reductions in the assessed values.

Mr. Q later learned that the decisions did not address the 1998 supplementary assessment. He contacted the Corporation and the Board and was told the deadlines to appeal the supplementary assessment had expired. As a result of an Ombudsman Representative contacting staff at both agencies, it was arranged that Mr. Q write to the Chair of the Board regarding the matter. Mr. Q was later advised that a hearing would be scheduled to allow him to present his case. Mr. Q was eventually successful in obtaining an extension of the reduction to the 1998 supplementary assessment.

## Alcohol and Gaming Commission of Ontario

### *No licence required*

**Ms T** was organizing a worship service for a Sunday morning at a recreational complex and was advised that a special occasion licence was required, as communion wine would be consumed during the service. The Alcohol and Gaming Commission of Ontario advised that it would not approve the licence, as the service was scheduled for 10:00 a.m. on Sunday. An Ombudsman Representative called the Commission. As a result, the Commission reviewed the situation and determined that the *Religious Freedom Act* applied and that a liquor licence was not required.

## Ontario Labour Relations Board

### *Board's decision supported*

**Mr. E** complained about the Ontario Labour Relations Board's decision not to proceed with his application on the basis of delay. The Ombudsman agreed that there had been a considerable delay on Mr. E's part in filing his application and noted he could not provide a credible explanation for not filing his application sooner. Mr. E's file was accordingly closed.

### *Board addresses Ombudsman's concerns*

**Mr. C** complained that the Ontario Labour Relations Board had misled him about the purpose of a mediation session, a staff member had demonstrated bias and the Board had not replied to correspondence. The Board agreed that its general information pamphlet could be misinterpreted and undertook to amend it. The Ombudsman did not find any reason to question the Board's decision to dismiss Mr. C's application. He did not find that the Board staff member's remarks displayed bias. However, he did suggest that Board staff should take more care with language used before unrepresented parties. The Board



*Your staff's patience and perseverance helped me overcome many difficult and frustrating scenarios. He was steadfast in his commitment to bring the case to a close. He was not only very likeable and easy to talk to – he was also very professional in his job.*

responded to this issue by advising that its staff had been cautioned to 'maintain an air of professionalism at all times'. The Ombudsman found that the Board had not responded to correspondence from Mr. C. In response, the Board indicated that it had implemented a more effective log for correspondence, which would ensure better complaint-handling.

### *Board reimburses complainant*

**Mr. R** contacted the Ontario Labour Relations Board to inquire whether he could bring a court reporter to a consultation. Based on the message Board staff left on his answering machine, Mr. R hired a court reporter. However, at the consultation, the Vice-Chair ruled that the proceedings would not be recorded. Mr. R contacted our office because he was dissatisfied with the Board's response to his request for reimbursement. After receiving the Ombudsman's investigative summary, the Board agreed to reimburse Mr. R's court reporter costs.

## Workplace Safety and Insurance Board (WSIB)

### *Medication obtained*

**Ms M** complained that a pharmacy had refused to provide her medication because her approval from WSIB did not show up on its computer system. Ms M stated WSIB had confirmed that it had provided approval the previous day. At the time, Ms M was using eight medications following a head injury.

Ms M was very concerned that she was not able to obtain her medication. An Ombudsman Representative called WSIB, which confirmed that approval had been given, but noted the problem was the pharmacy had not revised its records. WSIB undertook to contact the pharmacy. Ms M later called to advise that the approval was processed.

### *Board apologizes for delay*

**Ms P** is a senior, whose husband recently died of lung cancer. She contacted our office because she was trying to obtain information about a claim with WSIB related to her husband's cancer, which she believed was caused by exposure to asbestos while on the job. She stated she had left numerous messages with WSIB that had not been returned. Our office contacted WSIB. WSIB admitted not returning Ms P's calls due to workload. WSIB was very apologetic and stated that it would contact Ms P and make her case a priority. Ms P confirmed that WSIB contacted her the same day and answered her questions.

### *Cheque expedited*

**Mr. E** complained that the WSIB had not processed his claim and that he had no income and was living off his credit cards. An Ombudsman Representative contacted the Board, which as a result made the necessary calculations and processed a benefit cheque in the amount of \$8,746.58.

## *Calculation adjusted*

**Mr. V**, a former Ontarian now living in Finland, wrote to the Ombudsman that he was having difficulties with the WSIB. He disputed the amount of a refund in Canadian dollars provided by WSIB in relation to medical treatment he received in 1996. An Ombudsman Representative contacted WSIB. WSIB agreed to review the file and issued an apology and a cheque to Mr. V in Finnish currency.

## Workplace Safety and Insurance Appeals Tribunal

### *Access facilitated*

**Ms A** contacted our office and stated that she wanted to request reconsideration of a Workplace Safety and Insurance Appeals Tribunal decision. Ms A stated that due to her disability and other circumstances, she could not file a written request for a reconsideration, as required by the Tribunal. After an Ombudsman Representative contacted the Tribunal, it agreed to accept an audiocassette request for reconsideration.



# Ministries

## Ministry of Agriculture, Food and Rural Affairs

### *Ombudsman reviews Ministry's notification process*

 Dear Ombudsman...

*Words will fail me in describing your staff's genuine wish to help, endless efforts and time which she put into investigating my file, and her comforting demeanor – which is so important when a citizen is faced with the huge governmental 'machinery'.*

The Ontario Whole Farm Relief Program was introduced by the Ministry of Agriculture, Food and Rural Affairs in December 1998 to provide financial assistance to producers who, for reasons beyond their control, were faced with severely reduced incomes (i.e. declining prices, yield losses and increased expenses). The Ministry made changes to the program for the 1999 program year. The Ombudsman became aware of complaints from the farming community that the Ministry may have altered the program without alerting farmers to the changes. The Ombudsman investigated this issue on his own motion. The investigation focused on the Ministry's communication and notification of changes to the program.

The investigation confirmed that a communications plan had been developed and followed by the Ministry. In addition to the activities set out in the communications plan, the Ministry held a series of meetings for farmers, accountants and agents to discuss the 1999 application process. The Ombudsman found that there had been a discrepancy in the inventory evaluation forms used by applicants

to calculate their level of assistance. Once the Ministry identified the discrepancy, all applications that might have been affected by the error were reassessed. In those cases in which the reassessment resulted in an enhancement, the affected individuals were provided with a cheque and a letter explaining the reason for the increase. Out of 830 files that were reassessed, 244 (less than 30 percent) were eligible for additional benefits.

Approximately 45 percent of those affected received a cheque of less than \$100. The Ministry explained that farmers were not notified of the discrepancy with the inventory evaluations because the changes were too minor to have made a significant impact on most farmers. This position was confirmed by the Ombudsman's investigation and he did not find the Ministry's approach to be unreasonable.

## Ministry of Community and Social Services

### *Ministry changes practice*

**Mr. P.**, an inmate of a correctional facility, wished to obtain the assistance of an institutional physician in filling out a Disability Determination Package (DDP). He wished to apply for benefits under the Ontario Disability Support Program (ODSP) upon his release and required a DDP to do so. The Ministry of Community and Social Services did not make DDPs available to inmates. This presented difficulty for inmates who did not have ready

access to a physician on their release. The Ombudsman contacted the Ministry regarding this practice. In response, the Ministry advised it would make applications available to institutional physicians to assist inmates begin the ODSP application process as part of their release plan.

### *Drug benefit card provided*

When **Ms R** contacted our office she was in receipt of Ontario Works benefits. She had been found eligible for but was not yet in receipt of ODSP benefits. Her medication costs were \$500 per month and she only had enough medication to last her to the weekend. She was advised that she did not qualify for a drug benefit card. Although the Ombudsman does not have jurisdiction over the municipal administration of Ontario Works benefits, an Ombudsman Representative made an inquiry on Ms R's behalf. The Municipality consequently agreed to provide Ms R with a drug benefit card.

### *Family Responsibility Office (FRO) apologizes*

**Mr. G** made direct payments to his former spouse despite a court order directing that payments be made to the FRO. He complained that the FRO had improperly taken steps to enforce this support. Our investigation confirmed that the support recipient had notified the FRO twice that she had received some direct payments. The FRO acknowledged that it had not processed these notices in a timely manner and apologized for the delay. The FRO did return money to Mr. G's

bank to reflect the direct payments made to the recipient and the Ombudsman found that, although the amount of the support arrears was incorrect, arrears were owed. Mr. G's complaint was not supported.

### *Assistance provided*

**Mr. K** complained that he had been unable to contact the FRO to negotiate a voluntary arrears payment schedule after receiving a notice saying his file would be forwarded to a collection agency. He was concerned that his tuition fees from his Employment Insurance training program would be intercepted by the FRO and that he would be unable to finish the program. An Ombudsman Representative contacted the FRO to discuss the situation. As a result, the FRO and Mr. K entered into an oral voluntary arrears payment schedule.

### *Hardship abated*

**Ms W** complained that the actions of the FRO in collecting an overpayment were causing her financial hardship. She was advised she would not receive any support payments until the overpayment was paid in full. Ms W requested that the balance owing on the overpayment be either split over two months or deferred. An Ombudsman Representative contacted the FRO to discuss this situation and the FRO agreed not to collect the overpayment for a period of time.

### *FRO closes file*

**Mr. D** complained that he no longer owed child support and that he had been trying to get his FRO file closed for six months. When

an Ombudsman staff contacted the FRO it acknowledged that support should have ended six months previously. Mr. D was mailed a credit balance of \$600.

## Ministry of Correctional Services

### *Guidelines to be issued*

**Mr. A** complained that, although he was allergic to fish, the only food available for him to eat when being transferred from one facility to another was a tuna fish sandwich. An Ombudsman Representative contacted the Ministry's Senior Nutrition Consultant who

advised that to avoid this scenario in future, she would issue guidelines for packed lunches to all facilities across Ontario.

### *Ministry policy clarified*

**Mr. U**, a French speaking inmate at a privatized adult facility, complained that he was denied a transfer to a facility with French programs. Our office contacted the facility, which in turn discovered that it had originally obtained incorrect information from the Ministry of Correctional Services regarding its transfer policies. The facility advised that it was now aware that a transfer to obtain French programs was permissible under Ministry policy.

 Dear Ombudsman....

*I am glad you are out there. Because of you it's a little more comforting being locked in this environment.*

### *Practice ceases*

**Mr. B**, an inmate in administrative segregation, complained that his evening snack had been withheld for two days in a row. An Ombudsman Representative contacted the facility and was advised that this measure was used as punishment and had been for many years. The Ombudsman Representative subsequently contacted the Senior Nutrition Consultant for the Ministry of Correctional Services, who advised that this practice was not permissible. The Ministry consequently notified all staff that this practice was to cease immediately.

### *Practice changes*

**Mr. C**, an inmate in administrative segregation, complained that he was being denied the privilege to obtain canteen items. An Ombudsman staff member contacted the facility and was advised that this practice reflected a security concern, as the cells in segregation face each other and inmates can toss items to one another. The facility undertook to determine the practice in other institutions. When our office followed up with the facility, it advised that the practice would change immediately.

### *Corrective measures taken*

**Mr. L**, an inmate, complained regarding an incident in which force was used against him. In the course of the Ombudsman's review it was discovered that the Ministry of Correctional Services' policies with respect to photographing of inmate injuries, police noti-

fication of incidents and timely forwarding of incident reports to the Regional Director were not followed. As a result of an Investigator's informal discussions with the Superintendent of the facility, he agreed to undertake corrective measures.

### *Canteen service concerns reviewed*

In December of 1999, the Ministry of Correctional Services implemented a new standardized province-wide canteen service for inmates. Our office received many complaints from inmates in the first few months regarding this service. An investigation revealed that although there had been some problems regarding implementation, the Ministry had taken note of these and undertaken to take steps to avoid the same problems in the future. The individual delivery and supply problems had also been rectified and our office was receiving fewer complaints about these issues. The Ombudsman indicated his office would continue to monitor the situation regarding provision of canteen.

### *Change in practice*

**Mr. Q**, an inmate, complained that he did not receive his canteen order when he went to court on a Wednesday. An Ombudsman Representative contacted the facility, which advised that inmates going to court would not receive canteen for that week unless they were going to court on Monday or Tuesday. Following our informal inquiries, the facility and the supplier changed the canteen cut-off date to accommodate more inmates.

### *Property to be itemized*

**Mr. P** complained to our office that when he was released on bail he discovered that an expensive name brand belt had been lost by a correctional facility. The facility was offering to replace it with an item of lesser value. Our office contacted the facility, which agreed that in future it would list on the "Personal Property Declaration" whether a property item was a name brand in order to eliminate this type of dispute.

### *Loss reimbursed*

**Mr. T**, an inmate, complained that several of his newspaper subscriptions had gone missing in September and November. An Ombudsman Representative contacted the facility and was advised that it was aware that some staff had not been delivering the papers. The facility agreed to reimburse Mr. T for his loss.

### *Insurance claim permitted*

**Mr. S**, an inmate, contacted our office regarding his need to renew his prescription eyeglasses. He has a very strong astigmatism and his vision was causing him severe headaches. Mr. S informed the facility that he was still covered under his insurance carrier's optical coverage and was able to receive 100 percent coverage for new glasses. However, he was advised that insurance claims were not accepted and that he would have to pay the full cost for his glasses in advance. Ombudsman staff contacted the facility, which reviewed its policy and agreed that Mr. S could make a claim under his insurance policy.

## *Schedule accommodated*

**Mr. I**, an inmate in Northern Ontario, called our office to complain that he needed to catch a 6 a.m. bus to go home, but was told that he could only be released at 8 a.m. An Ombudsman staff member contacted the facility to explain the situation. The facility agreed that the inmate would be released in time to catch his bus.

## *Funds returned*

**Mr. G** left U.S. funds behind at a correctional facility when he was deported. The Ombudsman was able to assist Mr. G to obtain a return of funds in the proper currency.

## *Assistance expedited*

**Mr. V**, an inmate with an artificial leg, was experiencing pain and swelling because the rubber strap that held the leg in place had broken. The facility had advised him it had ordered a new strap, but three weeks later he had not received it. An Ombudsman staff member contacted the facility. As a result of our intervention, Mr. V quickly received a new strap.

## *Transportation arranged*

**Mr. N**, an inmate with a disability, was due to be released in four days when he contacted our office. The inmate uses crutches and only has one leg. He was concerned that he had no transportation to his hometown. An Ombudsman Representative contacted the facility. The facility explained it was attempt-

ing to obtain a ride for the inmate on a Bailiff's bus, but it was full. We were advised that due to a lack of financial resources inmates are encouraged to make their own transportation arrangements. The facility assured us that they would not leave the inmate stranded. Later that day the facility advised that an officer would drive the inmate home upon his release.

## *Accommodation facilitated*

A young offender with special needs called our office to ask for our assistance in having his mother present during his eye surgery. According to the young offender, his mother had been denied this request on several occasions and several surgical appointments had been cancelled as a result. His psychologist spoke with our staff and explained that the young offender had difficulty understanding or interacting with others and, although he was 17 years old, he was still in elementary school. The psychologist advised that in his opinion, a legal guardian needed to be present to make decisions on the young offender's behalf. After our office contacted the facility, it agreed that the mother would be permitted to attend the surgery.

## *Application submitted*

**Mr. M**, a francophone inmate, contacted our office complaining that his transfer request to a treatment centre had been denied as a result of his limited ability to speak English. He explained that he had studied English for the past six months and interacted with other inmates in an effort to improve his English.

An Ombudsman Representative contacted the facility, which agreed that the inmate would be supervised to determine his English capabilities, while he completed the centre's 14-page application. The facility confirmed that it was satisfied with Mr. M's language skills and would forward his application to the centre.

### *Medical care arranged*

**Mr. J** contacted our office complaining that he was not receiving proper medical care. He explained that he snored during the night and that his cellmates repeatedly interrupted his sleep and threatened him with physical harm. After our staff contacted the facility, it made arrangements for Mr. J to be seen by a physician.

### *Preventative steps taken*

**Mr. R**, an insulin-dependent diabetic who must eat at regular intervals, contacted our office complaining that he had been placed in a life-threatening situation. While at court he had been served an egg salad sandwich for lunch. He informed the officer at the court that he was allergic to mayonnaise. When the officer contacted the facility to confirm the inmate's dietary restrictions, the facility advised that the inmate had no dietary restrictions. As a result, the inmate was forced to skip the meal altogether. Our office contacted the facility, which confirmed the nature of Mr. R's medical condition and his allergies. The facility was unable to explain why an error had occurred in its communication with the court officer. The facility agreed that to avoid a

recurrence of such an incident, in future it would provide officers taking inmates to court with a list of inmate dietary restrictions.

### *Discrepancy remedied*

**Mr. D** called our office claiming there was a \$100 discrepancy in his inmate trust account. He stated that his numerous attempts to have the facility correct the error had been unsuccessful. When our office contacted the facility, it was initially reluctant to review the matter. However, an error was discovered resulting from confusion between similar names. The facility agreed to correct Mr. D's account.

### *Inmate reimbursed*

**Mr. Z**, an inmate, complained to our office that he had been overcharged on a canteen order. He had ordered one item and been charged for 10. After our office made inquiries with the facility, Mr. Z was reimbursed.

## **Ministry of the Environment**

### *Competition reviewed*

Two Ministry of the Environment employees complained about a job competition.

After an investigation, the Ombudsman concluded that there were problems with the process but that they did not affect the outcome. The Ombudsman expressed some concerns regarding the Ministry's recruitment practices. In response, the Ministry stated it would provide training to its managers on the

recruitment process and develop a process to handle internal reviews of competition complaints.

## Ministry of Health and Long-Term Care

### *Surgery approved*

**Ms W** had recently undergone surgery, which was unsuccessful. She complained that the Ministry of Health and Long-Term Care denied her coverage for corrective surgery under the Ontario Health Insurance Plan on the basis that the surgery had already been paid for. Ms W was also advised that if the second surgery was approved, it would have to be performed by the same doctor. Ms W was concerned about this since she did not want to have the second surgery done by the same doctor who had operated initially. After a number of months of dealing with the Ministry and her doctor, Ms W contacted our office. An Ombudsman Representative spoke with a Ministry medical consultant. As a result, Ms W's file was reviewed and the surgery approved on the same day.

### *Ministry's practice reflects policy*

**Mr. E** complained that the Ontario Health Insurance Plan did not provide coverage for prostate specific antigen (PSA) tests in certain circumstances. Our investigation revealed that the PSA test is available through hospital labo-

ratory services, at no extra charge to patients, when there is a diagnosis or suspicion of prostate cancer. Mr. E wanted to have the testing done in a private laboratory in the same building as his urologist as it was more convenient. The Ministry pays for all PSA tests through the global funding provided to hospitals for their operating costs. The Ministry explained that this is a far more efficient way to pay for PSA tests than to pay private providers on a fee-for-service basis. This practice also reflects the Ministry's policy of not paying for screening tests until expert evidence endorses the utility of screening. Although it might be more convenient to have the PSA test in a private laboratory, the Ombudsman did not find that access to PSA testing was an issue of concern in the circumstances of Mr. E's case.

### *Northern Health Travel Grant provided and instructions changed*

**Mr. and Mrs. F**, who resided in Thunder Bay, contacted our office because their application for a Companion Grant under the Northern Health Travel Grant (NHTG) program had been denied. Mr. and Mrs. F's son was born prematurely and his condition was considered a serious medical emergency. He was flown by critical care transport to London. There was no room on the air ambulance for Mr. F to accompany his son. Once Mrs. F was medically able to travel, both Mr. and Mrs. F travelled to London to be with their son. Mr. and Mrs. F contended that as the legal guardians of their ill, premature baby, they



*Dear Ombudsman...*

*Your staff's presentation was informative and entertaining. Her knowledge, combined with visual aids and a keen sense of humour, captivated my students. Her ability to connect with the class was so impressive several of my students waited in line at the end of the class to speak to her personally; here she demonstrated her patience.*

needed to travel to London so they could participate in any medical decisions made on his behalf. In response to the Ombudsman's notice of intent to investigate, the Ministry noted that based on additional information, it had reviewed and approved the travel grant. Our investigation showed that the general instructions for the NHTG did not mention that an applicant could provide documentation to support the application beyond 'original tickets/stubs/receipts'. The Ombudsman suggested that the Ministry consider adding an instruction that if an applicant has additional documentation to support his/her application, it should be attached to the application form. The Ministry agreed to make this change to its general instructions.

## Management Board Secretariat

### *Proposal resubmitted*

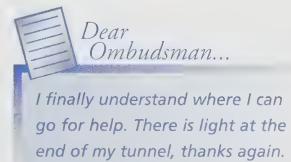
**Ms O** provides translation services to the provincial government. In order to do so, she must submit a proposal every two years to be placed on the Approved Ministry List maintained by Management Board Secretariat. Ms O sent her proposal on March 22, 2001 by courier to the address and postal code specified. The deadline for proposals was March 27, 2001 at 1100 hours. Ms O's proposal was delivered to the first floor mail room by the closing date and time. However, it was not received in the sixth floor offices until after the closing date. Management Board Secretariat sent back Ms O's proposal unopened. Ms O complained that she had followed the instructions for submitting the proposal and that it

was unfair that it was not considered. After the Ombudsman gave notice of his intent to investigate Ms O's complaint, Management Board Secretariat conducted a review and determined that Ms O would be allowed to resubmit her proposal.

## Ministry of the Solicitor General

### *No further investigation necessary*

**Ms T** complained that the Office of the Chief Coroner (OCC) refused to hold an inquest into the death of her brother, who died in 1987 as a result of an industrial accident. An inquest had been set for October 1988 but was postponed when charges were laid against the employer. The inquest was never rescheduled even though the charges had been dealt with by 1993. In 1997 Ms T asked the OCC to resume the inquest. In denying her request in November 1998, the OCC explained to Ms T that the *Coroners Act* did not require an inquest and that holding an inquest more than 10 years after her brother's death would not serve the public interest. The OCC also apologized for its failure to set an inquest in 1993. Two years later she brought her complaint to the Ombudsman. In deciding not to investigate the case further, the Ombudsman considered the length of time Ms T waited before complaining, that the OCC had provided an apology, and that an inquest tracking system had been put in place to prevent a recurrence of this kind of incident.



## Office of the Fire Marshal (OFM)

### *OFM agrees to compensate*

**Mr. X** works as a fee-for-service investigator. He approached our office contending that the OFM had instructed him in August 1999 to

do whatever was required to clear his schedule so that he could attend a two-week coroner's inquest. An investigation determined that the OFM did

not take steps to advise Mr. X that his services would not be required for the entire inquest until after he had testified in November 1999. The Ombudsman tentatively concluded that the OFM's omission to advise Mr. X, in a timely fashion, that his services would not be required for the entire inquest was unreasonable and recommended that he be compensated for the work he had been instructed to perform. The OFM agreed to pay Mr. X accordingly.

*Dear Ombudsman...*

*Thanks, not only for what you did. But for making me feel that I was worth it!*

## Ministry of Training, Colleges and Universities

### *Ontario Student Assistance Program policy followed*

**Mr. S** complained that he was placed on the Ontario Restricted List (ORL) as he had not declared a portion of his income under the Ontario Student Assistance Program (OSAP) requirements. This rendered him ineligible for further OSAP funding. Mr. S contended that the failure to declare the income was an oversight. Mr. S' father had written to the Ministry of Training, Colleges and Universities advising that the income had been received as a dividend from the family company and had been used to pay family expenses. The OSAP application contained information about the consequences of not providing accurate information. Mr. S signed a declaration indicating the information he provided was truthful. The Ombudsman concluded that Mr. S was given ample warning about the need for accurate reporting of changes to income and that the Ministry followed its policies and guidelines. However, the Ombudsman suggested that the Ministry should have a policy regarding income verification measures.

## *College changes its process*

**Mr. Y** complained regarding his permanent expulsion from a registered nursing program at a community college. Our investigation revealed that an escalating series of safety issues arose in Mr. Y's final month in the program. The Ombudsman did not support Mr. Y's complaint. However, he expressed concerns regarding the College's review and expulsion process. The College made a number of process changes as a result of Mr. Y's case before and after the Ombudsman's involvement.

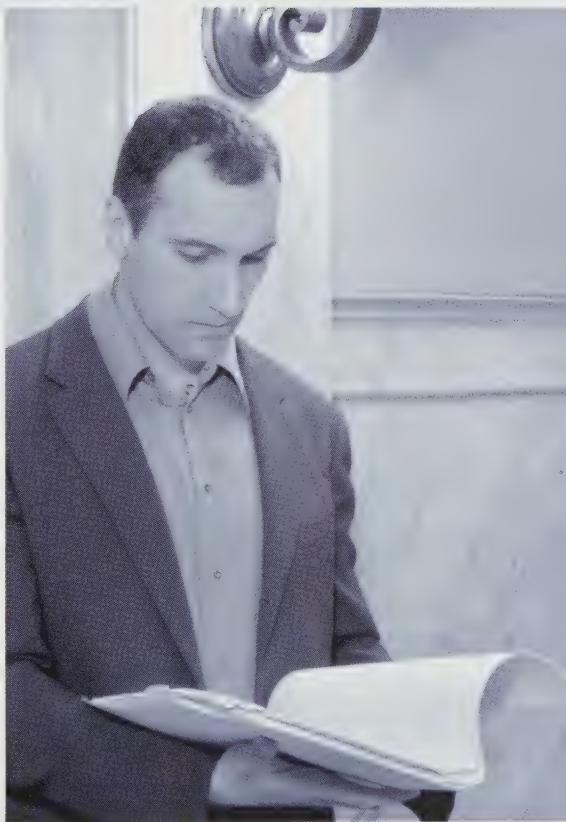
## *Ministry of Transportation*

### *Ministry expedites its review*

**Mr. G** complained that 12 years ago, as a condition of having his licence reinstated, he was required to provide a medical report to the Ministry of Transportation. Mr. G left the province without reinstating his licence. He returned to Ontario, took a driving course and was ready to do the required Ministry tests. He provided a medical report but was advised by the Ministry that his case would have to be reviewed. Mr. G was upset at this news as he needed to have the licence as soon as possible for a new job. Following the intervention of our office, the Ministry expedited its review and confirmed that Mr. G would be receiving his licence.

*Dear Ombudsman...*

*Finally, after 5 years, my case is beyond the limbo stage and some progress towards a resolution has been made. Thankfully the progress has been positive, as I am now receiving monthly compensation for my injuries.*



# Ombudsman Ontario Staff List: March 31, 2002

<b>Ombudsman</b> Clare Lewis, Q.C.	<b>GENERALIST TEAM</b> <b>Manager</b> Sue Haslam	<b>Kathy Penfold</b> Matilda Presner Elizabeth Weston Barbara Worthington	<b>Word Processing Operators</b> Maureen Bourns Jackie Holmes
<b>Administrative Assistant</b> Carolyn Braunlich	<b>Team Leader</b> Tim Arkell	<b>CORRECTIONS TEAM</b> <b>Manager</b> Asfia Sultan	<b>COMPLAINTS ANALYSIS &amp; INFORMATION SYSTEMS</b> <b>Manager</b> John Allan
<b>LEGAL SERVICES</b>	<b>Administrative Secretary</b> Kamala Kirushna	<b>Team Leaders</b> Mary Elizabeth Nugent Cathy Rea	<b>Programmer Analysts</b> Kwasi Frimpong Dianne King
<b>Legal Counsel</b> Laura Pettigrew Wendy Ray	<b>Ombudsman Representatives</b> Michelle Amaral Danielle Barbeau-Rodrigue Alphonse Barikage Pierre Belanger Robin Bosworth Joane DeVarennes Hannah Ethier Micheline Gagné Pauline Gignac Diane Hall Lira Hugh Roch McLean Marie-Claire Muamba Amita Shunglu Laura Spiers Pam Young	<b>Corrections Clerk</b> Lourdes Legardo	<b>Clerical &amp; Technical Support</b> Suzanne Bernier
<b>Legal Advisor</b> Tamara Hauerstock		<b>Ombudsman Representatives</b> Winsome Cain Claire Giroux Chakib El Hakmaoui Esla Hutchinson George La Rosa Nicole LeBlanc Lourine Lucas Beena Rajendra Gabriella Trotta	<b>Records &amp; Archives Technician</b> Jackie Correia
<b>Analyst/Investigator</b> Lorraine Boucher			<b>End User Support</b> Joyce Coolman
<b>Research Assistant</b> Sherrie Nicholson			<b>POLICY</b>
<b>COMPLAINT SERVICES</b>			<b>Policy Manager</b> Juan Gomez
<b>Director</b> Lenna Bradburn			<b>COMMUNICATIONS</b>
<b>Administrative Secretary</b> Denise Salmon			<b>Communications Manager</b> Gail Scala
<b>ACCESS CENTRE</b>			<b>Administrative Secretary</b> Dean Morra
<b>Manager</b> Sue Haslam	<b>INVESTIGATIONS TEAM</b> <b>Manager</b> Duncan Newport		<b>HUMAN RESOURCES</b>
<b>Supervisor</b> Eva Kalisz Marie-Claire Muamba (Acting)	<b>Team Leader</b> Millicent Dixon James Nicholas (Acting)	<b>Corporate Services</b> <b>Director</b> Peter Allen	<b>Human Resources Coordinator</b> Joyce Leonard
<b>Administrative Secretary</b> Kamala Kirushna	<b>Administrative Secretary</b> Betty Baker	<b>Administrative Secretary</b> Susan Mason	<b>Administrative Secretary</b> Grace Domingo
<b>Access Representatives</b> Monique Bokya-Mbogo Zalina Deodat Muktar Houssein Eddie Kabasele Anne Sophie Leduc Johanne Safar Michelle Touchette	<b>Investigators</b> Kwame Addo Irene Buncel Gerry Carlino Rosie Dear Mary Jane Fenton Anita Glasier Anne Hart Barbara Hirst	<b>FINANCE &amp; ADMINISTRATION</b> <b>Manager</b> John Allan	
		<b>Administrative Assistant</b> Dora Gimenez-Dixon	
		<b>Accounting Analyst</b> Judith Lee	
		<b>Client Services Representative</b> Wolfgang Schulz	







**About our logo:** This is the symbol for Ombudsman Ontario. The “O” stands for our name. Inside, three sets of arms come together: one each for the public, the government and our office.

## *Mission Statement*

Working to ensure fair and accountable provincial government service.

## *We Believe...*

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

*Fairness: treating everyone in a reasonable, equitable, and impartial manner*

*Accountability: providing quality services, taking responsibility, evaluating and improving through innovation*

*Integrity: demonstrating transparent, honest and ethical practices*

*Respect: understanding individual differences and valuing diversity*

## *Contact Information*

1-800-263-1830 – English

1 800 387-2620 – Français

1-866-411-4211 – TTY, hard of hearing and deaf

416-586-3485 – Fax

[www.ombudsman.on.ca](http://www.ombudsman.on.ca) – Website

This Annual Report is available in French and alternative formats by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.

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### *Sault Ste. Marie*

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Sault Ste. Marie, Ontario P6B 4Y9

### *Sudbury*

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Sudbury, Ontario P3C 1R8

### *Thunder Bay*

Suite 206, Office Galleria  
1000 Fort William Road  
Thunder Bay, Ontario P7B 6B9

### *Toronto*

125 Queens Park  
Toronto, Ontario M5S 2C7



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# OMBUDSMAN ONTARIO

## 2002-2003 Annual Report

*Working to ensure fair and accountable  
provincial government service*



# OMBUDSMAN ONTARIO

June 2003

Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 2002 to March 31, 2003, pursuant to Section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.  
Ombudsman

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Toronto, Ontario M5S 2C7  
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## Contents

Johnsman's Message	7
Significant Cases	11
Year in Review	26
Comments	40
Statistical Charts	51
Case Stories	58
Announcements	77

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Clare Lewis, Q.C.

# Ombudsman Ontario: Working to ensure fair and accountable provincial government service

*"It is my intention to ensure that my office demonstrates the values of Fairness, Accountability, Integrity and Respect not just in its words but in its actions."*

Clare Lewis, Q.C.  
Ombudsman of Ontario



# Ombudsman's Message

This past year has seen a continuation of the process of organizational renewal commenced last year as we pursue our mission of “*working to ensure fair and accountable provincial government service.*” It is my intention to ensure that my office demonstrates the values of Fairness, Accountability, Integrity and Respect not just in its words but in its actions. To that end, we have spent considerable time looking inward and reviewing our policies and practices to ensure that they are consistent with our stated values.

An extensive human resources audit was completed this year. The resulting audit report made 86 recommendations in 15 areas including strategic directions, recruitment, orientation and training, performance development and staff relations. Many of the recommendations made in this report have already been implemented and we continue to plan strategically for implementation of the remaining recommendations.

My office produced a document entitled *Looking Forward* which reflects our corporate vision to the year 2005, the end of my term of office, and focuses on our public identity, service delivery model, staff and workplace culture and structure. In this process we recognized that a corporate vision should not be imposed by upper level management on an organization, but evolve with appropriate consultation with staff.

We initiated a comprehensive business planning process. The mission, values and vision of our organization are central to that business planning process and guided the creation of the organizational goals and team objectives for the year 2003–2004. Internal and external environmental scans were conducted to provide an overview of the emerging issues that are affecting the office today and that likely will impact our operations over the next few years. These scans also assist in the planning process. Flowing from the overarching organizational goals, the three functional areas of the office, which are complaint, corporate and legal services, each developed their own team objectives. Staff consultation and contribution was an important factor in this business planning process. The Annual Business Plan for 2003–2004 is available on our website ([www.ombudsman.on.ca](http://www.ombudsman.on.ca)).

Our Annual Business Plan was critical in our financial forecasting and budget planning. This year, my office engaged in zero-based budgeting and further, developed multi-year forecasts for the subsequent two fiscal years. Rather than simply using averages or percentages in estimating budgets for the next fiscal year, each area of the office was required to justify its estimates from the ground up, based on the organizational goals. The final budget estimates and the methodology used to prepare them were shared with staff to foster a better understanding of the budget process and our organization’s financial accountability.

I believe that my office is well on its way to re-establishing a sound organizational foundation for the future. However, to remain relevant to the publics we serve, my office must also look outward. In the past year, our community education program saw significant results from our increased focus on connecting with community organizations whose clients are often most in need of our services. An Ombudsman's effectiveness depends to a large extent on whether persons with complaints are aware of the Ombudsman's existence. This year my office adopted an economical but effective strategy for the delivery of our message through the use of such vehicles as public service announcements and a variety of posters. Early indications, based on analysis of complaint statistics, suggest that these strategies are producing results.

There are many complaints that I cannot address, as they remain outside of the scope of my review. For instance, one issue that is of great significance to me in my role as Ombudsman is the public's right of access to independent complaint resolution when complaints arise about services that are essentially public in nature but which are not within my jurisdiction. I believe that independent review of complaints provides a vital accountability mechanism. In addition to investigating individual complaints and recommending individual remedies, an independent oversight model that allows for broader review of issues, may result in systemic improvement and more efficient use of resources.

In previous Annual Reports, I have discussed the importance of ensuring that the Ombudsman continues to have an oversight role when specific services have been privatized. I was referring on those occasions to the privatization of driver testing and the operation of a correctional facility. In the context of the private operation of Highway 407, I noted that when government does engage in privatization initiatives, there must be accountability mechanisms which will enable government to ensure that private sector partners act fairly with the public. I believe that independent complaint resolution is integral to ensuring accountability.

In 1998, as part of its mental health reform strategy, the Ontario government began divesting control of a number of provincial psychiatric hospitals. Six of Ontario's 10 provincial psychiatric hospitals have been divested to date and others are slated for divestment. When these facilities have been divested to public hospitals, because of their governance structure, they are no longer subject to my jurisdiction. My predecessor raised concerns regarding this situation. When I learned of the impending divestiture of yet another provincial psychiatric hospital, I contacted the Minister of Health and Long-Term Care expressing concern that divestment would result in patients losing their recourse to an independent complaint resolution mechanism.

While the Psychiatric Patient Advocate Office continues to provide advocacy services to patients of current and divested provincial psychiatric hospitals, and may resolve some concerns effectively, it is not an independent complaint resolution mechanism with investigative authority.

I continue to be of the view that there should be recourse for all psychiatric patients to an independent investigative body, as a last resort, to resolve outstanding complaints. The right of complaint empowers those who are often powerless. Psychiatric patients are particularly vulnerable. I believe that the right of complaint to an independent complaint resolution mechanism should be preserved when provincial psychiatric hospitals are divested and should be extended to similarly situated patients in psychiatric units of public hospitals.

While I encourage the creation of internal complaint resolution processes, I believe that, particularly in critical service areas, independent complaint resolution is warranted. Over the last few years, the provincial government has committed to ensuring accountability in the health sector and referred to the creation of a Patients' Bill of Rights or more recently a Charter of Patients' Rights and Responsibilities. While some formal complaint mechanisms exist with respect to certain health issues, such as professional conduct of health care providers, there is generally no formal right to complain regarding the administrative conduct of public hospitals and other health care facilities. My office receives many complaints regarding public hospitals, which do not come within my jurisdiction. The policies and practices of health care facilities often have a practical impact on patients and health care practitioners but are not subject to external review. I have encountered cases when it is a hospital policy, rather than a health care professional's conduct, which appears to have negatively affected a patient. The self-regulating colleges have no authority to deal with such issues.

In consultations with the Ministry of Health and Long-Term Care, I recommended that patients have the right to complain about the administrative conduct of health care facilities. I also encouraged the Ministry to consider an Ombudsman model for reviewing health care complaints. I believe that independent complaint resolution in the health care field would help create a more effective and responsive system while fostering public confidence.

Another significant service area in which there is no independent oversight model is the provincial education system. My office has received a number of complaints regarding school boards, particularly relating to resources for special education. I advised the Minister of Education that, given the fundamental importance of education in this province, I believe parents and in appropriate cases, students, should have recourse to an independent complaint resolution mechanism to resolve complaints about school boards.

The effectiveness of independent complaint resolution mechanisms is demonstrated in the case stories contained in this report. While the majority of our cases are resolved informally within a very short time frame, a number of cases this year required formal investigation. In situations in which I am considering supporting a case, I am required to provide the governmental organization in question with an opportunity to respond, prior to finalizing my views. It has been my experience that most cases that reach this stage are resolved.

Each year my office receives many complaints about the Ontario Human Rights Commission. However, most cases involving the Commission are resolved informally with its cooperation. This year, I did support one case in which it appeared that the Commission's staff failed to accurately reflect a complaint. After receiving my investigative summary, the Commission acknowledged the errors in reports prepared by staff, extended an apology and offered to pay the complainant a modest amount of compensation to reflect the frustration and inconvenience he experienced as a result of its conduct.

I am reporting on four formal investigations into the Ministry of Community, Family and Children's Services. A number of cases which were resolved informally with that Ministry are also highlighted in this report. The Ministry has a diverse and important mandate. Its programs and practices often have significant personal impact on children and families in this province. In one investigation, I raised concerns regarding the Ministry's planning and monitoring of changes in the delivery of services for children with special needs. It appeared to me that, while the Ministry had responded to concerns raised by parents and the media, it had demonstrated a reactive approach and had no clear corporate vision of the scope of the situation. It also appeared that the major factor underlying complaints about access to services was a lack of residential supports for children with complex special needs. During the course of the investigation, the Ministry committed resources to the development of a policy and funding framework for residential supports for children with complex special needs. The Ministry also assured my office that it would be engaging in comprehensive evaluation of all its programs and services on a four-year cycle.

In another case involving planning relating to an individual's transition from a Ministry-operated facility to the community, I expressed concern about the Ministry's apparent failure to ensure that it had written evaluation criteria. I also expressed the view that the Ministry should provide a timely explanation of its funding decisions, including the reasons supporting it. The Ministry acknowledged that I had identified important policy issues that it would take into consideration in future transitional planning.

The Family Responsibility Office (the FRO), now under the Ministry of Community, Family and Children's Services, has consistently generated the second highest number of complaints to my office. This year saw an increase in complaints about the FRO. Two of the formal investigations reported on this year involved the FRO and 13 case stories spotlight errors and inefficiencies relating to the FRO's administration. The FRO has had a checkered history of service delivery. In a previous own motion investigation reported in my 2000-2001 Annual Report, I suggested the FRO's service delivery problems largely resulted from outdated and significantly ill-suited computer technology. It was my belief then and so remains, that the FRO's computer technology must be replaced, if the FRO is to meet its mandate effectively. The continued inadequate technological base will inevitably have negative impact on staff morale and performance. I recommended that all steps necessary be taken to secure adequate resources to permit the FRO to meet its mandate. I received positive assurances that the necessary funding would be sought to permit a full evaluation of the need for necessary repair.

I have continued to monitor the FRO's progress with respect to funding for new technology. The FRO obtained funding for a feasibility study, which commenced in September 2001 and was completed this fiscal year. I have recently been advised that the FRO submitted a request for funding to the government to proceed with the development and implementation of a case management service delivery business model and supporting technologies. The Deputy Minister has advised me that he will not be in a position to discuss the status of this proposal until the budget is tabled in the Legislature. At the date of writing this Report, that event had not occurred.

At the end of December 2002, there were \$1.1 billion in support arrears owing to support recipients and \$212.1 million in support arrears owing to government as a result of assignments for social assistance. The total support arrears outstanding is \$1.3 billion and a review of the FRO's statistics indicates that this figure grows every year. The FRO performs a uniquely significant service for individuals and families who rely on its enforcement of support orders for their income. If support is not forthcoming, many recipients and their children are forced to rely on social assistance, which in turn results in support arrears being owed to the government. My earlier investigation demonstrated the FRO will not be in a position to improve its services, including enforcement for recovery of arrears to support recipients and government, unless its antiquated technology is replaced. I believe that a new case management service delivery business model will only be effective if the FRO has the technology to support it.

The continuing problems at the FRO are amply demonstrated in two cases this year in which the FRO did not take required action. In one case, despite the support recipient's attempts to prompt the FRO to enforce her support order, the FRO missed significant opportunities to recover debt on her behalf. In the other case, the FRO did not enter the proper information into its computer system and continued to collect support after it was no longer owing. In both cases, the FRO admitted its errors and agreed to compensate the complainants. Once again, the FRO acknowledged the limitations of its current computer system, which lacks a true bring-forward mechanism for monitoring support obligation termination dates.

Three years ago, when I began my term of office, I indicated that I believed it was important to strengthen the relationships this office has with the various publics served by it. To do this, it is important to ensure that governmental organizations understand the role and function of my office. In the past, my office had experienced some difficulty in obtaining the cooperation of the Ministry of Health and Long-Term Care, particularly in matters relating to the disclosure of information. Quite understandably, the Ministry is very cautious in releasing sensitive personal health information. I personally met with senior officials at the Ministry to discuss this situation and members of my Senior Team conducted an information session for members of senior staff at the Ministry. I have reason to believe that these efforts will result in what the Acting Deputy Minister at the time referred to as a "renewed spirit of cooperation between our offices."

I am reporting on two investigations involving the Ministry of Health and Long-Term Care. One involved the Northern Health Travel Grant Program (the NHTG Program) and a resident of Northern Ontario who had to travel long distances to obtain methadone treatment for pain management. As a result of my investigation, the Ministry has undertaken steps to meet the needs of northern communities requiring access to methadone treatment services. In the second case, after receiving my investigative summary, the Ministry of Health and Long-Term Care agreed to stop collection of over \$200,000 and reimburse over \$17,000 which had already been collected from a pharmacist.

As a result of an informal enquiry by my office, the Workplace Safety and Insurance Board acknowledged that it had erred when it failed to pay interest on pension arrears and paid a complainant over \$16,000 in interest owing. In another case, after receiving my investigative summary, the Board acknowledged its failure to provide adequate service and readily agreed to provide the complainant with an apology and pay her over \$13,000 in compensation.

During the course of an investigation, the Ontario Rental Housing Tribunal agreed to compensate the complainants for fees they had paid and for the inconvenience caused by its error. I considered another matter relating to the Tribunal on my own motion. This investigation concerned the Tribunal's application of the *Tenant Protection Act, 1997*, which permits landlords to apply for rent increases based on extraordinary increases in the cost for utilities but does not provide a corresponding right for tenants to apply for rent reduction when extraordinary utility costs no longer exist. I expressed concern about this apparent imbalance in the legislation. At the date of writing this Report, the Ministry of Municipal Affairs and Housing had advised that it is meeting with stakeholder groups and is considering a number of options, including legislative amendment.

My office received 7,271 complaints and enquiries over the past year about correctional facilities operated by the Ministry of Public Safety and Security. Complaints from inmates continue to be the highest percentage of our caseload. I had the opportunity to make submissions to the Task Force on the Reform of Correctional Services in Ontario. The current state of Ontario's correctional services is of great concern to me and the Government of Ontario's commitment to reform is a welcome activity. While I recognize the government's intention to be tough on crime, I am concerned that the government take steps to ensure that humanity and fairness remain part of the correction equation. Whatever we may think of people who are inmates or the conduct that earned them that status, once incarcerated, they are vulnerable individuals and it is the obligation of our government to ensure that they are treated humanely. As I stated to the Task Force, it is imperative that the Ministry ensure that its staff is aware of the obligations to uphold the rule of law within correctional facilities and that while incarcerated, inmates still have basic entitlements.

While the Ministry has many sound policies and procedures, my investigations have repeatedly revealed that they are not followed consistently. Inmates are affected in relation to basic entitlements such as access to fresh air, clean clothing and adequate living space. This year I conducted an investigation into the provision of

fresh air (yard) at a correctional facility. Ministry policy requires that yard be offered daily. My investigation revealed that inmates in this facility had gone long periods without access to yard. In addition, inmates had not been referred to health care, as required by Ministry policy, when they had missed yard for extended periods of time. The facility undertook a number of initiatives to address this situation, which I continue to monitor closely.

I received various complaints regarding individuals who had been held in correctional facilities pending trial, who had to appear in court wearing bright orange institutional coveralls. Some individuals had also been released from court in such clothes. These uniforms stigmatize the individual and lead to prejudice in court proceedings and when the individuals are released into the community. After I contacted the Ministry regarding this situation, it responded by noting that based on the concerns that had been raised by my office, by defence counsel and some judges, it had taken steps to ensure that inmates no longer appear in these institutional uniforms in court.

In another case, an inmate claimed that he had not received a change of clothing for 30 days. According to Ministry policy, inmates are normally allowed to receive a change of clothing, including seven sets of underwear, each week. Our investigation revealed that some inmates at a correctional facility had gone up to 45 days without a change of clothing. During our investigation, the facility agreed to undertake a number of initiatives to address this matter and we continue to monitor the situation.

I also conducted an investigation on my own motion into the Ministry of Public Safety and Security's routine practice of placing three inmates in cells with only two beds, leaving the third inmate to sleep on a mattress on the floor. This practice applies to facilities housing remanded inmates — those awaiting trial or sentencing. Overcrowding in these correctional facilities raises numerous concerns. Inmates have fewer opportunities to go outside for fresh air as correctional staff have larger numbers to supervise, living spaces are inadequate and health risks are increased for both inmates and staff. The Ministry has stated that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services. It is not my role to take issue with the government's agenda.

However, I can evaluate its results on inmates. I believe that triple-bunked inmates are being punished in a way that is not demanded by their detention, the law or the Ministry's own policy and for no reason other than the Ministry's lack of capacity. This situation must end and after receiving my investigative summary, the Ministry advised me of steps that it is taking to address this very serious concern. I will continue to follow this issue and call for an end to overcrowding and to the practice of triple-bunking in provincial facilities housing remanded inmates.

I am particularly concerned regarding the use of segregation units for housing those with mental illness and the lack of basic services provided to these inmates. In last year's Annual Report, I stated that, in response to my concerns about the treatment of an inmate suffering from mental illness and severe hearing loss, the Ministry had undertaken to take steps to ensure that inmates with special needs received proper placement and treatment. This year, the Ministry advised that a revised classification system will allow for

more comprehensive assessment of inmates and will improve identification and placement of inmates with special needs. Inmates admitted to custody will be screened against standard criteria and those with special needs or who may require treatment will undergo a further assessment. Inmates identified through these assessment processes will then be placed in one of the Ministry's treatment facilities.

Labour relations problems have exacerbated the conditions of inmates in provincial facilities. As you will note from some of the case stories in this report, the labour dispute earlier in this fiscal year adversely affected inmates in various ways. Staffing shortages, overcrowding, lack of recreational outlets for inmates and basic entitlements such as clean clothing and fresh air, can create pressures in the system that result in negative impacts for inmates as well as correctional staff. The labour relations climate is often reflective of the conditions of inmate confinement. Ministry staff have advised my office on several occasions that they are unable to provide staff training currently required across the organization. We have seen examples when individual facilities have not been able to recruit candidates when they are needed. I suggest that the Ministry will not see a positive change in labour relations in the corrections field until a strategic investment is made in human resources management.

This year, I continued to fulfill my personal commitment to visit correctional facilities throughout Ontario. I have visited six institutions, including jails, detention centres and a secure detention young offender facility. I found facility staff cooperative and open to responding to my many questions. Most facilities I toured were clean and a number were undergoing expansion and retrofitting. However, at one facility, I was struck by the very dismal, dank and Dickensian conditions of the segregation cells. I am encouraged by the fact that this facility is undergoing a retrofit to improve overall conditions, including those in segregation. However, it is of concern to me that such conditions have been allowed to prevail for so long. I also noted during my visits a number of correctional staff who were not wearing their facility identification badges. Inmates have a right to at least identify by number the correctional officers with whom they deal. Subsequently, senior correctional staff have issued reminders that it is Ministry policy that all staff wear their identification badges when on duty. However, this problem appears to persist in many of the facilities. Additional Ombudsman posters have been provided to facilities to ensure inmates are aware of my office and how to access it. This is a particular concern in young offender facilities, where I suggested that posters be visibly displayed in all key areas in which young offenders are housed. I will continue my commitment in the coming year to personally visit more correctional facilities across the province.

Many of the case stories contained in this report were resolved informally with individual correctional facilities and the Ministry of Public Safety and Security. The stories highlight concerns about such issues as the misconduct process, the adequacy of food service and health care. There are many dedicated staff in the correctional system and many who work with my staff to resolve inmate complaints fairly and effectively. However, the correctional system must have the necessary resources to meet its mandate of supervising inmates and creating a social environment in which inmates may make attitudinal changes necessary for their eventual and inevitable reintegration into society.

Complaints about government administration, lack of timely decision-making and lack of clarity surrounding criteria and process are common issues that come to my attention. One case that illustrates these concerns is one in which the Ministry of Transportation took four years to review and reach a final decision on an application. I do appreciate the factors which contributed to this delay and am encouraged by the Ministry's commitment to me to clarify its policy and review its process. In this year's Annual Report, I have included a document entitled *Fairness Standards for Decision-Making by Governmental Organizations*, which I hope will be a guide for organizations in their decision-making.

Considering the case stories this year, I think it is important to focus not only on the errors and omissions which led to complaints, but to acknowledge those public servants who have helped to correct situations, once they have been brought to light. This year, I had the pleasure of again presenting the Ombudsman Ontario Public Service Recognition Awards, recognizing exceptional public service in complaints resolution. The awards for 2002–2003 were received by six individuals from the following ministries: Ministry of Community, Family and Children's Services (Family Responsibility Office), Ministry of Labour (Ontario Labour Relations Board), Ministry of Public Safety and Security (Ottawa-Carleton Detention Centre, Toronto Jail), Ministry of Training, Colleges and Universities (two from the Ontario Student Assistance Program).

As Ombudsman, I believe that I have an obligation to promote the Ombudsman concept at home and abroad. Nationally, I have worked with the Canadian Ombudsman Association and the Forum of Canadian Ombudsman as well as the Canadian Council of Parliamentary Ombudsman. I had the privilege of being elected President of the International Ombudsman Institute at Hammamet, Tunisia during this year. The International Ombudsman Institute has 176 members from 103 countries. My office also prepared an investigative training manual for the Institute that will be used nationally and abroad. At the invitation and expense of the Government of Lebanon, I attended a seminar in Beirut on the establishment of an Ombudsman for Lebanon, during which together with other international colleagues, I encouraged the creation of an Ombudsman model for resolution of complaints against the government. My office also received a number of foreign delegations, providing an opportunity to share information about the role and function of various Ombudsman institutions.

I am very pleased with the achievements of my staff this year. I recognize that our ability to resolve complaints fairly and effectively depends on their dedication. This year all areas of the office have demonstrated a firm commitment to the values of this organization: Fairness, Accountability, Integrity and Respect.



**Clare Lewis, Q.C.**

Ombudsman

# Significant Cases

## Ministry of Citizenship

### Ontario Human Rights Commission

Mr. G contacted our office because he believed that the Ontario Human Rights Commission (OHRC) failed to properly address the issue of a Catholic school board's treatment of him as a non-Catholic.

Mr. G initially complained to the OHRC regarding his treatment by a school board in its capacity as his employer. He later provided information to the OHRC that the school board discriminated against him on the basis of creed, when it refused to allow him to stand for election as a parent representative on the school council.

The OHRC staff drafted Mr. G's complaint. While the complaint included reference to his allegations that the school board discriminated against him as a parent, the only area of complaint identified was employment.

The OHRC's case analysis recommended that the allegation relating to the election as parent representative be characterized as vexatious. The OHRC staff reasoned that Mr. G had not established a reasonable basis upon which the complaint could be maintained, as he had no children at the school and therefore, did not meet the qualifications for election. In his reply, Mr. G advised the OHRC that his children attended the school in question during the relevant time and that he had been a separate school tax supporter.

The OHRC dismissed Mr. G's complaint on the basis that the matter could have been dealt with under the *Labour Relations Act*, as it was classified as a complaint in the area of employment.

Mr. G requested that the OHRC reconsider its decision. The reconsideration report prepared by OHRC staff again noted that Mr. G was not a parent of a child at the school. Mr. G responded that he was both a parent and a separate school tax supporter. The OHRC denied Mr. G's request for reconsideration on the basis that the subject matter of his complaint could have been and was dealt with more appropriately through the *Labour Relations Act*.

After investigating Mr. G's complaint, the Ombudsman informed the OHRC that he was of the preliminary opinion that the OHRC staff failed to accurately reflect Mr. G's complaint against the school board as a parent. The Ombudsman reasoned that while Mr. G was responsible for reviewing the complaint he signed, it was the OHRC staff who had drafted the complaint and had the expertise to distinguish between complaints relating to employment and services. He also noted that Mr. G had repeatedly advised the OHRC staff that he had children attending the school and that he was a separate school supporter. However, despite his submissions, the OHRC staff continued to incorrectly state that Mr. G was not a parent of a child at the school.

The Ombudsman tentatively recommended that the OHRC provide Mr. G with an apology and appropriate compensation. The OHRC acknowledged that there were errors in the reports prepared by staff. It extended an apology to Mr. G for not informing him that he should have filed a separate complaint under the social area of services and offered to pay him a modest amount of compensation to reflect the frustration and inconvenience he experienced as a result of this conduct. The Ombudsman was satisfied with the OHRC's response and the file was closed.

# Ministry of Community, Family and Children's Services

## Community and Developmental Services Program Unit

**Ms K**, whose adult son is autistic, contacted our office with a complaint about the Ministry of Community, Family and Children's Services. Ms K's son was discharged from a Provincial Regional Centre in 1997 as part of the Ministry's Community Living Initiative. This initiative was a phase of depopulating the Ministry's provincially operated institutions. As part of the Community Living Initiative, funds were made available to assist individuals in their transition from provincial institutions to community living.

The Community Living Initiative mandated that a third party Placement Facilitator, who was not a Ministry employee, was to coordinate the process for each person leaving a facility. The third party Placement Facilitator was responsible for developing a comprehensive and personalized plan to address the needs of the individual. The third party Placement Facilitator made no judgment on the cost of the personal plans and had no authority to decide how much money would be spent on a given individual. This decision rested with the Ministry, which had to consider factors such as the number of persons and families requiring assistance in the region, the funding available for the region, and the need to provide fair and equitable service for everyone. Given their limited funds, the Area Offices used an average of \$55,000 per year for the development of placements for people who were discharged from provincial facilities.

Ms K was very involved in the development of the personal plan for her son. She complained to the Ombudsman that the Ministry failed to respond to the family's request for information about the process and eligibility criteria for subsidy funds and other services that her son needed after he left the Regional Centre to live in the community.

The investigation showed that the Ministry did not have a written policy or written guideline on how the Area Offices were to evaluate the personal plans required for the Community Living Initiative. The investigation also revealed that the Ministry did not have any documentation that outlined how the personal plan for Ms K's son was evaluated. The Ministry told our office that there was no written policy or guideline regarding which services would be funded by the Community Living Initiative. However, this initiative was not meant to cover the cost of services that were already available in the community, such as behaviour management, physiotherapy and speech language pathology.

The Ombudsman provided the Ministry with an investigative summary in which he stated that it appeared to him that the Area Offices were not given direction about how to distribute the funding they received under the Community Living Initiative. He expressed concern that the Ministry did not have written criteria for assessing personal plans since the budget was supposed to be based on these plans. The Ombudsman noted that as a result of the lack of explicit policy, the process of determining eligible services, eligible needs and an appropriate budget through the Community Living Initiative was, as Ms K had noted, "opaque."

The Ombudsman told the Ministry he was concerned that it did not have documentation to demonstrate the process followed by the Area Office to establish and approve the budget for Ms K's son. He noted that people affected by the Ministry's budget decisions are entitled to an explanation of the process the Ministry uses to determine and approve these decisions. The Ombudsman stated that by providing reasons for its funding decisions, the Ministry would be able to demonstrate that it had considered the merits of the individual's needs, even if the affected person remained dissatisfied with the Ministry's decision. He noted that the Ministry should be able to demonstrate that the funds were being equitably allocated according to some kind of criteria or policy. The Ombudsman recognized that the Community Living Initiative operated within budgetary constraints. However, he stated that the Ministry should have been able to demonstrate the link between the Community Living Initiative, with its emphasis on individual planning, individual choice, family and community participation, and the realities of the budgeting process.

The Ombudsman indicated that he was considering recommending to the Ministry that if it pursues initiatives similar to the Community Living Initiative in the future, it should ensure that it has written criteria for the evaluation of personal plans. He also suggested that in the future the Ministry should ensure that those affected by its funding decisions receive a timely explanation of the level of funding and the reasons supporting it.

In its response, the Ministry noted that the Ombudsman's investigative summary clearly identified important policy issues the Ministry will consider in developing individual support plans, establishing

funding benchmarks, determining assessment of needs and ensuring a transparent process for decision-making. The Ministry stated that as it plans for the future of the three remaining Ministry-operated facilities for adults with developmental disabilities, the Ombudsman's findings, along with suggestions from families, other interested parties and the Ministry's experience to date will be taken into account. The Ministry noted that as it plans for the eventual closure of these facilities, it will develop transitional plans and ensure that services and supports are available to meet the unique needs of residents before they move into the community. The Ombudsman was satisfied with the Ministry's response.



## Family Responsibility Office

**Ms B** complained about the Family Responsibility Office's (FRO's) failure to enforce arrears in her case of \$10,000. On investigation, the Ombudsman noted the FRO had been involved in enforcing Ms B's support order since 1997. In 1997, the FRO filed a writ of seizure and sale in the wrong jurisdiction. A garnishment of federal funds was also lifted by the FRO in

December 1999 for no

*After reviewing the FRO's system records, the Ombudsman notified the FRO that it appeared that the overpayment occurred as a result of the FRO's error in not entering the termination date information in its computer system.*

apparent reason. The FRO also did not follow up on a driver's licence suspension for six months, until Ms B contacted the FRO to enquire about her case. Despite Ms B's repeated attempts to prompt the FRO to act on her file, no action was taken in a reasonable time frame. It appeared to the Ombudsman that as a result of the FRO's

conduct, the FRO had potentially missed significant opportunities to recover debt on Ms B's behalf. The Ombudsman advised the FRO that he intended to support Ms B's contention regarding the FRO not taking reasonable steps to enforce her court order for support and tentatively recommended that she receive an apology and compensation for her frustration. The FRO agreed to these recommendations and the file was closed as resolved.

**Mr. X** complained that, because of an error by the Family Responsibility Office (the FRO), he had overpaid his child support. The court order requiring Mr. X to pay child support provided that support was to end when each child reached 21 years of age.

However, this information had not been entered into the FRO's computer system. Consequently, when Mr. X's eldest child turned 21, the FRO's computer system continued to accrue support owing, and support continued to be deducted from Mr. X's pay and sent to the support recipient. By the time the FRO reviewed the case, Mr. X had overpaid \$3,714.18 in support. Although he asked for his money back, the FRO advised Mr. X that he would have to try to recover the money from the support recipient through the courts.

After reviewing the FRO's system records, the Ombudsman notified the FRO that it appeared that the overpayment occurred as a result of the FRO's error in not entering the termination date information in its computer system. The Ombudsman advised the FRO that he was considering recommending the FRO compensate Mr. X. The FRO agreed to reimburse Mr. X for the support that had accrued after his eldest child turned 21. The FRO expressed regret that Mr. X's case had not been handled appropriately and noted staff would receive court order refresher training with particular emphasis on review of any specific termination dates set out in court orders. The FRO acknowledged that its computer system lacks a true bring-forward system for monitoring support obligation termination dates. The system does not monitor and action termination dates automatically and there is no link between the end date of a support accrual and the notification to the income source to stop deducting support. However, the FRO stated that had the termination date been properly entered into the system, any overpayment would have been held and could have been reimbursed to Mr. X.

## Integrated Services for Children Unit

**Through media** reports in late December 2000 and early January 2001, the Ombudsman became aware of the plight of two families who claimed they could not obtain required care for their children with severe disabilities, unless they agreed that the children would become legal wards of Children's Aid Societies (CAS). It was suggested that this situation had arisen as a result of changes in Ministry of Community, Family and Children's Services' funding for special needs agreements. In the past, some CAS had entered into these agreements with families to provide for necessary services for children with disabilities. Under these agreements, the CAS would take over supervision or care and custody of the child.

The Ombudsman decided to investigate on his own motion the Ministry's conduct surrounding changes in the funding and provision of special needs agreements by CAS and the Ministry's current role in the provision of funding and programming supports for families with children who may have been eligible for coverage under these agreements. The Ombudsman notified the Ministry of his intention to investigate in January 2001.

After receiving notice of the Ombudsman's intention to investigate, the Ministry advised our office that access to Ministry-funded services does not require a family to have a special needs agreement, nor is the family required to relinquish legal custody of their child. The Ministry stated that the use of special needs agreements has always been at the discretion of CAS. The Ministry clarified that some CAS used special needs agreements to purchase services to address the very complex residential care needs of a small group of children.

The Ministry told our office that the number of children with special needs who receive services through a special needs agreement has always been very small compared to the number who receive services and supports from other community agencies.

The Ministry told our office that it notified the CAS of funding changes to special needs agreements in 1999. At that time, it advised that child protection resources should be focused on child protection activities and that a specific funding benchmark for special needs agreements would not be provided. However, funding for existing special needs agreements would continue.

During the investigation, the Ministry pointed out that in 1997 it had launched a province-wide initiative to reshape the children's and developmental services systems. In 1999, as a part of this initiative, community-based case resolution mechanisms were implemented. These mechanisms are responsible for assisting children with complex special needs to access necessary services.

Our investigation revealed that the Ministry had taken a number of steps in response to the media reports about families in distress. In January 2001, the Ministry made it clear to CAS that when a parent approaches a CAS and no protection concerns exist, the family must be referred to more appropriate community service providers with a mandate to provide services to special needs children. The Ministry also created the position of special needs coordinator. The coordinator's immediate role was to meet with parents of children in critical situations to help them connect with services in their community. The Ministry also facilitated specific "service agreements" between service agencies and 16 families represented by a law firm, whose situations were considered critical.

The Ombudsman obtained a report dated June 2000 from the Office of Child and Family Service Advocacy (the Advocacy Office), which highlighted concerns that had been expressed by frustrated and demoralized parents, service providers and CAS concerning the change in practice relating to special needs agreements. During the investigation, Ministry staff were questioned as to why the Ministry did not respond to the issues addressed in the report. A senior official at the Ministry indicated that there had been a delay in reviewing and responding to the report. It was not until another report was issued by the Advocacy Office in January 2001 that the Ministry responded. In March 2001 the Ministry indicated that a comprehensive government policy and system redesign framework would be developed. It also stated it was developing standardized Terms of Reference for case resolution mechanisms.

The Ministry advised the Ombudsman that it would ask CAS to review cases in which the care and custody of children had been transferred to the CAS solely for accessing service. As a result, by July 2001, 51 children had their case management transferred from a CAS to a non-protection service provider in the community. The Ministry indicated that of these 51, two were Crown wards whose wardship was reversed.

By May 31, 2001, the Ministry's nine special needs coordinators had identified 230 children whose families had requested additional or enhanced services. Of these, an out-of-home residential placement had been identified for 143 children. By August 2001, the Ministry informed our office that the responsibilities of the coordinators were shifting to support the community so the community could take on the role of special needs coordinator.

During our investigation, Ministry staff advised that the implementation of case resolution mechanisms took longer than anyone expected because some communities did not have the services in place. It was not until the end of September 2001 that all case resolution mechanisms were operational. It was not until September 2001 that the Ministry developed a formal process to determine if case resolution mechanisms were operational. A checklist relating to terms of reference was distributed to regional offices requiring them to complete an assessment of each case resolution mechanism by September 30, 2001. The Ministry indicated that action plans were to be developed for case resolution mechanisms not in compliance with these mandatory requirements and that full compliance was required for all case resolution mechanisms by December 31, 2001.



Senior Ministry staff advised the Ombudsman that a lack of residential supports for children with complex special needs was a significant factor leading to the concerns expressed by parents. It was noted the Ministry did not anticipate the medical advances that took place over the last 10 years, resulting in an increased life span for children with severe disabilities. As well, the number of residential placements available for children with special needs had dramatically diminished, exacerbating the situation. Our investigation revealed that the Ministry did not have the necessary data to decide what level of residential service was required in Ontario for children with special needs and had set no timetable for consideration of this issue.

In May 2002, the Ombudsman provided the Ministry with an investigative summary that outlined the findings in his investigation. The Ombudsman expressed concern that the Ministry did not develop a formal process to determine if case resolution mechanisms were operational until September 2001, since these mechanisms appeared to be a key component to finding services for children with special needs. The Ombudsman also was concerned that the Ministry had demonstrated a reactive approach to responding to problems that may well have been prevented had it engaged initially in proper planning and monitoring. The Ombudsman indicated he was considering recommending that the Ministry obtain the necessary data to determine what level of residential services is needed in Ontario for children with special needs in a timely manner and plan accordingly. He also stated he was considering recommending that the Ministry engage in proper planning and monitoring of any changes in the system for delivery of services for children with special needs.

Following receipt of the Ombudsman's investigative summary, the Ministry told the Ombudsman that it was developing a policy and funding framework for residential supports for children with complex special needs. The Ministry plans to have the residential framework completed by Spring 2003 and if approved, implementation of the framework would begin in 2003-2004.

The Ministry agreed to provide the Ombudsman with an update about its progress in developing the policy and funding framework in June 2003 and then every six months thereafter. The Ombudsman was satisfied with the Ministry's commitment.

The Ministry indicated that by December 31, 2001, 287 children had been identified as having critical service needs. The Ministry approved \$18.6 million in 2001-2002 to provide additional services to these children and their families. It was noted that 177 of the 287 children were identified as needing an out-of-home group care residential placement. The Ministry confirmed that this funding is now annualized at \$21 million and remains invested in local services for those most in need.

The Ministry disagreed with the Ombudsman's suggestion that it had failed to engage in proper planning and monitoring. However, the Ministry assured the Ombudsman that in accordance with the direction of the Management Board of Cabinet it would be conducting comprehensive evaluations of all programs and services on a four-year cycle. It stated that all of the Ministry's evaluations will involve stakeholders and will include a focus on client outcomes and program effectiveness.

# Ministry of Health and Long-Term Care

## Drug Programs Branch

**Mr. Y**, a pharmacist, complained that the Drug Programs Branch of the Ministry of Health and Long-Term Care was clawing back payments he had received on claims he submitted under the Ontario Drug Benefit Program (the ODB Program) for the drug Remicade. Those eligible for the ODB Program generally include people entitled to provincial social assistance, seniors, residents of certain long-term care facilities and, through the Trillium Drug Program, those for whom prescription drug costs are a high proportion of their income. An eligible person presents a prescription to a pharmacist participating in the ODB Program and the pharmacist then charges and

is reimbursed by the Ministry. Remicade is a drug that became available in June 2001 for the treatment of rheumatoid arthritis and Crohn's Disease. Remicade is a very expensive drug and ODB Program claims can run as high as \$7,000. The total amount the Ministry would be clawing back from Mr. Y was \$232,525.55. The Ministry had already recovered \$17,744.91 from him.

Remicade, Mr. Y explained, is generally dispensed by pharmacists as an "extemporaneous preparation" for injection. An extemporaneous preparation is a drug or

combination of drugs prepared or compounded in a pharmacy according to a prescription. Mr. Y stated that the regulations under the *Ontario Drug Benefit Act* stipulate that such preparations, when prepared by or under the direct supervision of pharmacists for injection, are benefits under the ODB Program provided they do not duplicate a manufactured drug. However, in August 2001, the Ministry notified pharmacists participating in the ODB Program by e-mail that Remicade would not be considered a benefit and a decision on reimbursement would not be made until a review by an expert advisory committee was complete. Mr. Y contended that the Ministry could not supersede the regulatory provisions for the ODB Program by an e-mail direction.

After a review of the *Ontario Drug Benefit Act* and its regulations, it appeared to the Ombudsman that payment for extemporaneous preparations such as Remicade was contemplated by the legislation and that the Ministry could not alter this by notice. The Ombudsman could find no authority for the Ministry to recover monies paid to pharmacists for Remicade claims. Accordingly, the Ombudsman advised the Ministry, that it appeared the Ministry's act of recovering payments to pharmacists for Remicade claims when the drug was dispensed as an extemporaneous preparation was contrary to the legislation. He indicated that he would be recommending that the Ministry stop recovering money paid to pharmacists for Remicade claims and reimburse pharmacists from whom money for such claims had been recovered. The Ministry responded, expressing its appreciation for the Ombudsman's comments and agreeing to comply with his recommendations.

## Northern Health Travel Grant Program

**Mr. E**, a resident of Northern Ontario, complained to the Ombudsman because the Ministry of Health and Long-Term Care had denied his Northern Health Travel Grant (NHTG) applications. The NHTG Program is intended to offset the travel costs for Northern Ontario residents who have to travel long distances to access insured medical services of the nearest medical specialist or designated health facility.

Mr. E needs methadone for pain management. There was no family physician close to Mr. E licensed to prescribe methadone. Accordingly, Mr. E travelled from his home near Timmins to a specialist in Toronto to get his prescription. The specialist in Toronto in turn referred Mr. E to a family physician in North Bay, who is licensed to prescribe methadone. This resulted in 310 kilometres less travel for Mr. E.

Mr. E received a NHTG for his travel to the specialist in Toronto, who is certified by the Royal College of Physicians and Surgeons of Canada. However, Mr. E's applications for NHTGs for the shorter travel distance to the family physician in North Bay were denied because the physician is not a medical specialist.

In an investigative summary, the Ombudsman stated that the Ministry's position that Mr. E had to travel a longer distance to a medical specialist to qualify for a NHTG appeared to be unduly bureaucratic. The Ombudsman indicated he was considering recommending that the Ministry provide Mr. E with travel grants under the NHTG Program for his past and future visits to the family physician in North Bay. The Ombudsman also expressed concern that the Ministry's policy did not cover travel to family physicians licensed to prescribe methadone.

In response, the Ministry told the Ombudsman that after the Ombudsman began investigating Mr. E's complaint, staff in the Ministry's North Region undertook an analysis to determine the most effective and efficient manner in which Northern Ontario patients can access methadone treatment services. The Ministry said that based on its review it did not agree with the Ombudsman that Mr. E should be provided with travel grants for his visits to a non-certified physician. The Ministry stated that any change to the NHTG Program needs to be assessed within the broader health care context, particularly with respect to other physician services and the financial implication of any modification to the NHTG Program.

The Ministry told the Ombudsman that Timmins is designated as underserviced for general/family physicians and that it was working with the medical community and the College of Physicians and Surgeons of Ontario (CPSO) to encourage recruitment of general/family physicians licensed to prescribe methadone to serve the Timmins area. The Ministry also said that staff of its Underserviced Area Program were negotiating with the physicians in Timmins to encourage certification with the CPSO to permit them to provide methadone treatment.

During the investigation, on his own initiative Mr. E was accepted into the practice of a family physician in Timmins who is licensed to prescribe methadone. At the same time, the Ministry told the Ombudsman that it had recruited another physician to begin prescribing methadone in an outreach clinic in Timmins by mid-October 2002.

The Ombudsman issued a final report to the Ministry in which he acknowledged that the Ministry is taking steps, as a result of his investigation, to address the problem of access to methadone treatment services

in Northern Ontario. However, the Ombudsman advised the Ministry that he felt that the NHTG policy, as it applied to Mr. E and others who are similarly situated, was unreasonable. He recommended that the Ministry provide Mr. E with travel grants under the NHTG Program for the visits he had made to the family physician in North Bay to obtain his prescription for methadone.

The Ministry did not accept the Ombudsman's recommendation. It stated that providing travel grants for medical care provided by family/general practitioners who are licensed to prescribe methadone would go beyond the scope and capacity of the existing program resources and would set a precedent that would encourage patients to seek reimbursement for other non-certified specialist services. The Ministry provided the Ombudsman with details of the significant financial implications of expanding the NHTG Program to permit patients to be referred to non-certified specialists. The Ministry noted that a methadone outreach clinic

*The WSIB agreed to implement the Ombudsman's recommendations.*

*Ms H was provided with a formal apology and a cheque for \$13,634, representing one year's benefits less an amount reflecting a termination payment Ms H had received from her employer.*

is now operating in Timmins on a short-term basis and plans are underway to facilitate the training of local physicians so they can become licensed to prescribe methadone. As well, the Ministry told the Ombudsman that it is considering applying the Timmins model to other northern areas in need of methadone treatment services. After carefully considering this information, the Ombudsman decided not to pursue the matter further.

## Ministry of Labour

### Workplace Safety and Insurance Board

**Ms H** contacted our office concerning the Workplace Safety and Insurance Board's (WSIB's) failure to adjudicate her claim for benefits in a timely manner. Ms H developed neck strain at the age of 51 and attempted to obtain workplace insurance benefits. She was initially denied entitlement by the WSIB. However, the WSIB adjudicator agreed to reconsider Ms H's claim based on new medical evidence. It took the WSIB nearly two years to reconsider Ms H's claim and grant her benefits. In the interim, Ms H recovered from her injury but was terminated from her employment. Ms H complained that as a result of the WSIB's delay in making a decision in her claim, she lost an opportunity to use her re-employment rights under the *Workers' Compensation Act* (the *WCA*). Under the *WCA*, the WSIB is responsible for notifying an employer that a worker is able to perform the essential duties of his or her position or is medically able to perform suitable work. Once this notification occurs, the employer is subject to certain reinstatement obligations for a period of time. In an appeal to the Workplace Safety and Insurance Appeals Tribunal, it was determined that any obligation on Ms H's employer to reinstate her had expired before the WSIB allowed her claim.

When informed of the Ombudsman's intent to investigate Ms H's complaint, the WSIB acknowledged that the adjudicator had failed to render a reconsideration decision and that it had failed to send a notice to the employer under the *WCA*. The WSIB also suggested that Ms H appeal the adjudicator's decision granting her entitlement. Ombudsman Ontario's investigator was advised by WSIB staff that while the WSIB has systems in place to prompt adjudicators to take certain actions, Ms H's claim was mishandled through human error.

In an investigative summary, the Ombudsman noted that the WSIB acknowledged but could not explain its failure to render a decision in a timely manner and to notify Ms H's employer under the *WCA* that Ms H was able to return to work. He also noted that an appeal of the entitlement decision would be of no practical value as it would not address the issue of Ms H's re-employment rights. It appeared to the Ombudsman that the WSIB's conduct in delaying adjudication of Ms H's file, failing to communicate effectively with her regarding its administration of her claim and failing to notify the employer of its obligations, deprived her of the opportunity to utilize her re-employment rights. He indicated that it was probable that Ms H would have been in a much better financial position had she had access to her rights under the *WCA*. The Ombudsman said that he was considering recommending that the WSIB issue a formal apology to Ms H and pay her compensation to recognize the WSIB's failure to provide adequate service and her consequent loss of opportunity to use her re-employment rights. The Ombudsman noted that the WSIB had the power to order an employer

that has not fulfilled its re-employment obligations to pay up to a year's net average earnings but that there was no similar statutory recourse against the WSIB for its failure to fulfill its obligations.

The WSIB agreed to implement the Ombudsman's recommendations. Ms H was provided with a formal apology and a cheque for \$13,634, representing one year's benefits less an amount reflecting a termination payment Ms H had received from her employer.

**Ms U** is a senior citizen who was injured at work in 1963. Since her accident, she has suffered from depression. Ms U called our office to complain that the WSIB failed to pay her interest on pension arrears the Workplace Safety and Insurance Appeals Tribunal had awarded her in 2000. An Ombudsman Representative contacted the WSIB and determined that, in accordance with the WSIB's policy, Ms U was entitled to receive interest on pension arrears. As a result of the Ombudsman's enquiry, the WSIB agreed to pay interest to Ms U and she received a cheque in the amount of \$16,613.80.



## Ministry of Municipal Affairs and Housing

### Ontario Rental Housing Tribunal

**The Ombudsman** initiated an own-motion investigation into the Ontario Rental Housing Tribunal's (ORHT's) application of the *Tenant Protection Act, 1997 (TPA)* in relation to rent increases based on extraordinary increases in the cost for utilities. The Ombudsman had received a number of complaints regarding this issue, including a submission by an advocacy group.

The advocacy group submitted that the ORHT had been flooded by landlord applications for above-guideline rent increases, the majority of which related to natural gas price hikes in late 2000 and early 2001. The

Ombudsman was advised that natural gas prices rose dramatically during 2000, reaching a peak in December 2000 and January 2001. However, these prices had returned to 1999 levels by August/September 2001.

The advocacy group contended that while utility prices fluctuate, tenants are paying permanent, compounding increases for temporary price spikes in natural gas or other utilities, even when these costs have already been recovered. On its face, this situation appeared to the Ombudsman to be systemically unfair.

Landlords may apply to the ORHT under the *TPA* to increase the rent charged by more than the annual rent increase guideline on the basis of an extraordinary increase in the cost for utilities. In determining such applications, the ORHT has applied the rules for extraordinary increases set out in regulations made



under the *TPA*. The Divisional Court of the Ontario Superior Court of Justice recently considered a case in which a tenant had concerns about the ORHT's application of the *TPA*. The Court found that it was inappropriate for the Court to adjust the formula for determining extraordinary increases or its format, as they have been duly authorized and the appeal was dismissed. However, the Court expressed concern regarding the current situation.

The ORHT advised the Ombudsman that policy and legislative changes are the responsibility of the Ministry of Municipal Affairs and Housing. It also referred to the Court case, which supports the ORHT's practice. The ORHT advised that from January 1, 2000 to August 31, 2002 it received 2,508 applications for above-guideline rent increases. Of these applications, 1,656 related just to extraordinary operating cost increases related to utilities. These applications affected 179,597 rental units. As of September 30, 2002 there were 460 applications that remained outstanding.

The Ombudsman considered that in making orders for rent increases on the basis of extraordinary increases in the cost for utilities, the ORHT appeared to be applying the law as set out in the *TPA*. To date, the Courts have not found anything inappropriate with the ORHT's actions from a legal perspective. However, the Ombudsman noted the scope of his review extends beyond legal considerations. The Ombudsman may also consider whether or not the Tribunal's conduct is based on legislation that is itself unfair.

In an investigative summary the Ombudsman indicated that while the *TPA* permits landlords to apply for an above-guideline rent increase based on extraordinary increases in the cost for utilities, it does not permit a

corresponding tenant application for rent reduction in cases in which the extraordinary utility costs no longer exist. The Ombudsman noted that the imbalance may have a substantial negative impact on a large number of individuals in the province. Accordingly, the Ombudsman was of the preliminary opinion that the ORHT's decisions in relation to rent increases based on extraordinary increases in the cost for utilities are in accordance with a provision of a regulation that is unreasonable and improperly discriminatory.

He tentatively recommended that the rental legislation be reconsidered. While it is the ORHT that applies the relevant provisions in its decisions, it is the Ministry of Municipal Affairs and Housing that generally administers the legislation. Under the circumstances, the Ombudsman said he was considering recommending that the Ministry take all steps within its power to have the legislation amended to correct the current inequity.

*... the Ombudsman was of the preliminary opinion that the ORHT's decisions in relation to rent increases based on extraordinary increases in the cost for utilities are in accordance with a provision of a regulation that is unreasonable and improperly discriminatory.*

In response to the Ombudsman's investigative summary, the Ministry advised that it had met with stakeholder groups regarding this issue. The Ministry indicated that it was looking at a number of options to address the matter, including legislative amendment. The Ombudsman is continuing to monitor the progress of the Ministry's attempts to resolve the concerns outlined in his investigative summary.

**Mr. and Ms M** complained to the Ombudsman about the conduct of the Ontario Rental Housing Tribunal (the ORHT). Their landlord had obtained a default order for eviction from the ORHT, requiring that they vacate their apartment because they had not paid their rent. Mr. and Ms M stated that they had never received notice of the eviction proceedings or of the order. After receiving a Sheriff's notice to vacate their apartment, they filed a motion to set aside the eviction order and requested an extension of time in order to file a motion. The ORHT granted the extension request. However, it failed to process the motion to set aside, which resulted in the Sheriff attending at Mr. and Ms M's apartment to evict them. Their landlord allowed them and their children to remain in the apartment to continue packing but the locks were changed and they were not given a key. This caused Mr. and Ms M considerable distress. Mr. and Ms M settled the motion to set aside the eviction order by entering into a new lease arrangement at an increased rent. They also paid the landlord's legal and Sheriff's fees associated with the eviction. Mr. and Ms M believed that the ORHT should compensate them for these expenses.

The Ombudsman's investigation revealed that the ORHT's records indicated that notice of the eviction proceedings had been served on Mr. and Ms M and that a copy of the eviction order had been sent to them. However, the ORHT advised the Ombudsman that it should have prepared notice of hearing documents once the extension request had been granted. The Sheriff could then have been notified that the eviction order was not enforceable pending the hearing of the motion to set aside the order. The ORHT's records indicated

that it did not prepare the necessary documentation and had simply closed its file. The ORHT acknowledged that it had erred in failing to schedule a hearing for the motion to set aside and had inappropriately closed its file.

The ORHT, in its adjudicative capacity, denied Mr. and Ms M's request that it compensate them for its administrative errors, on the basis that there was no statutory authority permitting it to do so. However, the ORHT did agree as a matter of administration to compensate Mr. and Ms M for the Sheriff's fees they paid and an additional amount for the inconvenience caused by its error. The ORHT also discussed this case at an internal staff training session. This result was satisfactory to the Ombudsman, who noted that it was by no means clear that Mr. and Ms M would have been successful in having the eviction order set aside or that the ORHT was solely responsible for the expenses they incurred.

## Ministry of Public Safety and Security

### Correctional Services

**The Ombudsman** notified the Ministry of Public Safety and Security of his concern with the Ministry's routine practice of placing three inmates in cells with only two beds, leaving the third inmate to sleep on a mattress on the floor. The Ministry's position is that, because the number of remanded inmates (those who have not been tried and/or sentenced) has increased dramatically in the past few years, at times the number of inmates coming into facilities exceeds their established capacity and so some inmates must sleep on the floor.

The Ministry stated that the problem of overcrowding is systemic in nature and that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services.

Overcrowding is occurring in many of the Ministry's jails and detention centres, the maximum-security institutions used primarily for remanded inmates.

Overcrowding is a particular problem in the Greater Toronto Area (GTA), although remand facilities in other high population centres like Ottawa and Hamilton also experience overcrowding. In 1996, the Ministry announced the Infrastructure Renewal Project involving expanding, retrofitting and building new correctional facilities. In the past, the Ombudsman had received assurances from the Ministry that through this Project, there would be beds available to meet demand.

The Ombudsman viewed a number of facilities in the GTA in which remanded inmates typically slept three to a cell. In some cases, inmates had the choice of sleeping with their heads next to the other inmates' bunk bed or next to a toilet and sink. Current Ministry policy is that inmates are locked in their cells for 12 hours each day. In one facility, inmates spend 16 hours a day in cells. The square footage of cells at the facilities visited ranged from 60 to 64 square feet. The Ministry advised that newer facilities are constructed on the basis that two inmates will share 105 square feet.

Overcrowding impacts inmates' access to opportunities to go outside for fresh air, as correctional officers can only supervise a limited number of inmates at a time in the yard. Common day room areas are also overcrowded. A Ministry Health Care Coordinator advised that putting more people into a limited space increases the

likelihood of the spread of contagious disease. The union representing correctional officers has complained to the Ministry that overcrowding jeopardizes the health and safety of staff. Increasingly, judges hearing criminal matters are expressing concern regarding overcrowded conditions in correctional facilities and in some cases are reducing sentences as a result.

The Ombudsman provided

the Ministry with an investigative summary in which he noted that the Infrastructure Renewal Project did not appear to offer any clear resolution to the problem of overcrowding, as it was not designed to create additional capacity.

The Ombudsman indicated that in Ontario many inmates remanded into custody lose

not only their liberty but are placed into cells that do not have adequate living space, resulting in additional deprivation. The Ombudsman stated that this situation appeared to be contrary to the Ministry policy requiring that inmates be treated in a "humane manner that recognizes their inherent dignity as human beings."

He referred to the United Nation's *Standard Minimum Rules for the Treatment of Prisoners*, which provide that prisoners awaiting trial are to sleep singly in separate rooms. The Ombudsman stated that while this standard is one that the Ministry should strive for, he recognized that its achievement would take considerable time.

However, the Ombudsman further stated that three inmates to a cell as now commonly practised is simply wrong, ought not to occur at all, and should cease.

*The Ministry stated that the problem of overcrowding is systemic in nature and that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services.*

*The Ombudsman expressed the belief that all triple-bunked inmates are being punished in a way that is not demanded by their detention, by the law or by the Ministry's own stated policy and for no reason other than the Ministry's lack of capacity.*

The Ombudsman noted it is not his role to take issue with a government's judgment in asserting and implementing a public safety agenda. However, he stated it was within his mandate to evaluate the impacts of changing societal patterns such as population growth, changes occurring in judicial proceedings and government policies, if these have negative consequences for persons for whom a

government Ministry bears direct responsibility. The Ombudsman noted that whatever one may think of persons charged with or convicted of crimes, once incarcerated, they are a vulnerable population, as the Ministry's own policies recognize.

The Ombudsman noted that while Senior Ministry officials and Superintendents are aware of their obligations towards inmates and are dedicated to fulfilling them, they require sufficient resources and flexible alternatives to meet the accommodation needs of remanded inmates.

The Ombudsman expressed the belief that all triple-bunked inmates are being punished in a way that is not demanded by their detention, by the law or by the Ministry's own stated policy and for no reason other than the Ministry's lack of capacity. The Ombudsman indicated that he was considering concluding that the Ministry's practice of requiring inmates to sleep on the floor was unreasonable and recommending that it cease this practice and ensure, within a specific time frame, that there is adequate living space for each inmate.

The Ministry responded to the Ombudsman by indicating that an unprecedented growth in the adult male remand population, which is projected to continue to increase, has resulted in inmate numbers exceeding institutional capacity. The Ministry stated that a number of initiatives are underway to manage the immediate situation and the projected inmate population.

The opening of a female unit at one Correctional Complex, the completion of a retrofit at another and changing the designated facility for the Newmarket Court, will create approximately 600 beds for adult males. The Ministry is also developing a strategy to increase the inmate capacity within the GTA. In the meantime, in order to manage the population strain and to facilitate its GTA capacity plan, the Ministry will, for the foreseeable future, continue to operate some institutions that were previously slated for decommissioning.

The Ombudsman expressed the view that the Ministry is responsible for anticipating the consequences of its own policies such as increased law and order, population growth and changes in court proceedings. The Ministry is therefore responsible for taking reasonable steps to take account of and counter obvious and foreseeable deleterious effects, such as overcrowding and its consequent negative impacts on inmates, correctional officers and institutional security. The Ombudsman recognized that required changes will take time but stated that the conditions for remanded inmates should not have reached this unacceptable state. The Ombudsman will continue to closely monitor the progress of the Ministry's initiatives in resolving the problem of inmate overcrowding.

**The Ombudsman** initiated an investigation into the provision of daily fresh air (“yard”) at a correctional facility. During the period April 1, 2000 to March 16, 2001, complaints received by the Ombudsman from inmates at the facility regarding its failure to provide yard rose to 86 from 11 for the corresponding period in the previous fiscal year. The Ombudsman continued to receive yard complaints on an ongoing basis from inmates in this facility.

The Superintendent of the facility acknowledged that inmates had not been offered yard as required by Ministry policy and the facility's standing orders. He indicated that those factors contributing to yard cancellations included staffing, security issues and weather. He added that because of staff shortages, for instance, resulting from high levels of staff sickness, the facility had at times suspended fresh air programs for inmates. He stated that yard was being offered on a rotating basis to ensure equal access and that, his managers were maintaining statistical information on yard activities to ensure fairness. The Superintendent provided the Ombudsman's office with a list of contingency plans that he said would alleviate the problems that were impacting on the provision of regular yard to inmates.

The Ministry officials interviewed indicated that staffing was the main reason that yard was not offered daily to inmates at the facility. Although the facility had a full complement of staff, frequently for a variety of reasons, it did not have sufficient staff on duty to operate effectively and provide inmates with daily yard. It also appeared that the facility had prematurely laid off correctional staff in connection with an institutional retrofit project.

The Ombudsman's investigation revealed that the facility's contingency plans did not have a significant impact on the facility's ability to provide yard to inmates on a daily basis. The facility's monitoring of the provision of yard also appeared very limited. A review of the records relating to yard indicated that opportunities for yard were not equitably distributed throughout the various units of the facility. There were also deficiencies in the record-keeping such as errors in logbook entries. It appeared that a large number of inmates did not receive daily yard during the period considered in the investigation. One month, five units did not receive yard for a period of 10 consecutive days. Even when a unit was offered yard, not all inmates on that unit received it, and a number of units did not receive yard for extended periods of time.

*The Ombudsman's investigation revealed that the facility's contingency plans did not have a significant impact on the facility's ability to provide yard to inmates on a daily basis.*

Ministry policy requires that an inmate be referred to the Health Care Department if yard is denied for more than five consecutive days. This is in recognition that there may be medical consequences if an inmate is denied the opportunity for fresh air and exercise for an extended period of time. Although large numbers of the inmate population were not provided with yard for more than five consecutive days, the facility's Health Care Coordinator advised that there was no record of inmates being referred to health care as a result of the inmates not receiving yard. Accordingly, there appeared to be a clear contravention of Ministry policy.

The Ombudsman was of the preliminary opinion that the facility's omissions to provide daily yard and to comply with Ministry policies regarding recording information relating to yard and referral to the Health Care Department were unreasonable. The Ombudsman tentatively recommended that the Ministry of Public Safety and Security and the facility take all necessary steps to ensure that daily yard is provided to inmates at the facility as appropriate and that the facility take all necessary steps to ensure that its staff record information relating to yard and refer inmates to the Health Care Department in accordance with Ministry policies.

The Superintendent developed a directive to address the issues raised by the Ombudsman. The Ombudsman subsequently conducted a further investigation to determine if there have been any improvements in the situation following implementation of this directive.

The Ombudsman's investigator was advised that although there had been improvement following the implementation of the yard procedures directive, because of the large numbers of inmates in the facility, it would be impossible for the facility to fulfill the Ministry's requirement to provide yard daily to inmates. The investigator's review of monthly yard reports confirmed that there had initially been great improvement in the number of days inmates had been offered yard. However, later inmates had fewer opportunities for yard as a result of the public service labour disruption.

The Ombudsman found that the initiatives in the directive addressed his concerns regarding the monitoring and tracking of inmates' opportunities for yard. However, his concerns regarding the overall deficiencies in record keeping identified during his original investigation remained unresolved. While encouraged by the efforts

being undertaken by the facility to ensure adequate staffing to provide yard and to fully implement the retrofit system, the Ombudsman continued to have some concerns and indicated that his staff would continue to monitor the situation.

**The Ombudsman** received various complaints regarding individuals who had been held in correctional facilities, pending trial, who had to appear in court in bright orange coveralls issued by correctional facilities. Some individuals had also been released from court in such clothes. The Ombudsman was concerned as to the prejudicial effect of their appearing in court and in public dressed in correctional uniforms. Ombudsman staff pursued this matter with the Ministry. The Ministry responded by agreeing that based on concerns that had been expressed by the Ombudsman, defence counsel and some judges, it would be revising its policy. The Ministry's policy now generally requires that inmates will not attend at court in institutional coveralls or jumpsuits.

**Mr. A**, an inmate at a correctional facility, claimed that he had not received a clean clothing change for 30 days. The Ministry's policy provides that inmates normally receive a clean clothing change each week, including a minimum of seven sets of laundered underwear. The facility's standing orders provide that inmate clothing is to be changed weekly and that inmates are to receive one set of coveralls, two t-shirts, seven underwear and two pairs of socks each change. Our investigation revealed that inmates had only received an average of four clothing changes over a three-month period. Some inmates had gone 25 to 45 days without a change of clothing. Facility staff could not confirm that inmates received the required seven underwear when they did receive clothing changes. During the Ombudsman's investigation, the facility increased its

monthly acquisition of inmate clothing and implemented a number of measures to ensure compliance with the Ministry's policy regarding clothing changes. The Ombudsman will continue to monitor the clothing situation at the facility.

## Ministry of Transportation

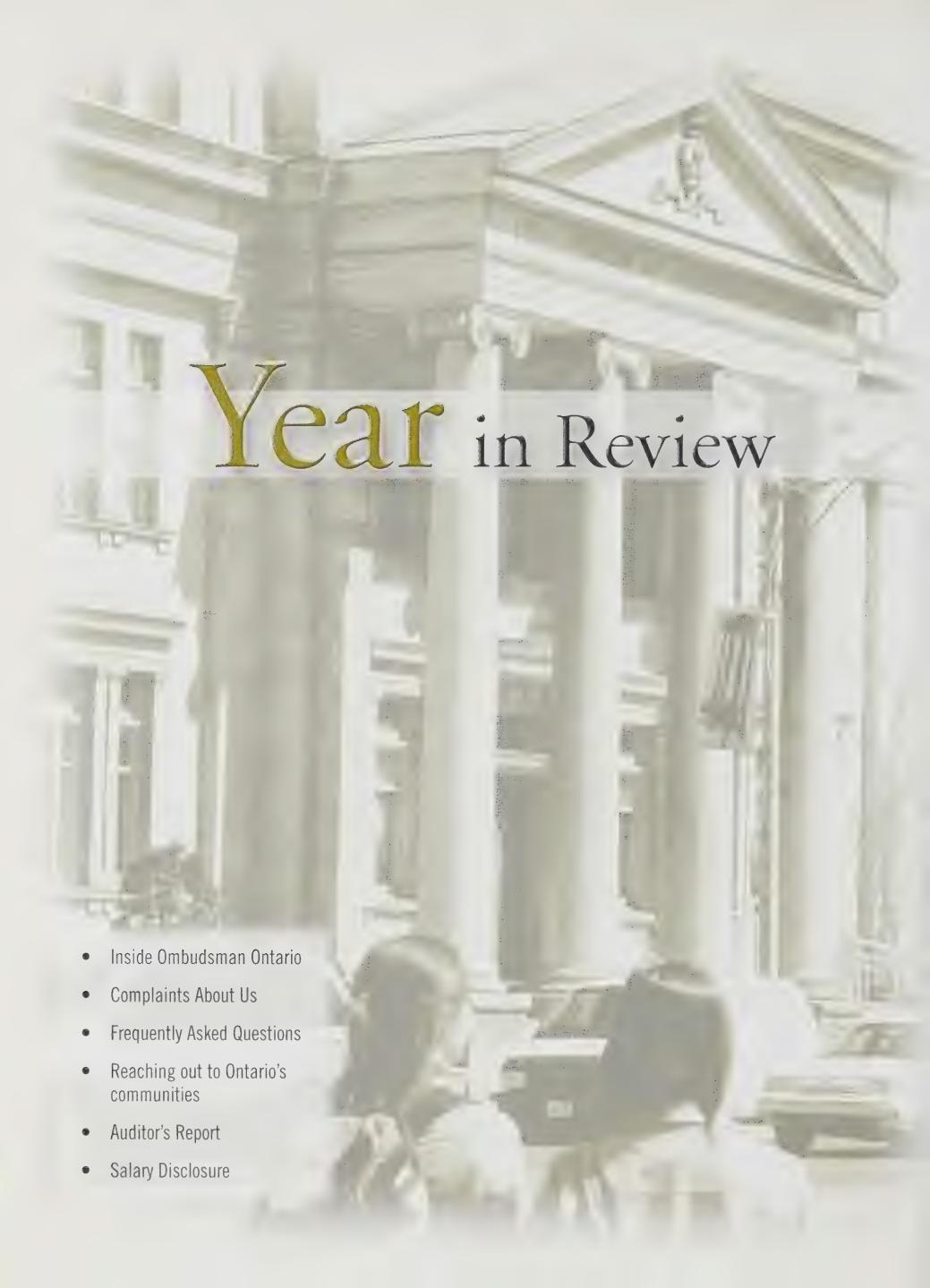
**The Ministry** of Transportation requires all motor vehicle drivers to obtain a digitized photo driver's licence. However, it may grant exemptions in certain circumstances. In July 1998, Mr. C completed an Application for Photo Exemption based on religious grounds. The Ministry's application form stated that applicants would be notified of a decision within 30 days. The Ministry denied Mr. C's application in September 1998 because he had not provided all of the required information. Mr. C continued to provide information to the Ministry in an attempt to satisfy the Ministry's requirements. In March 2001, Mr. C complained to the Ombudsman about the time that it was taking to obtain a final decision on his Application for Photo Exemption. Mr. C also noted because of the delay in processing his application he had difficulty having his personal cheques approved by retail businesses.

The Ministry had Mr. C's information in support of his exemption request assessed in August 1999 and July 2000 by a professor of Pastoral Theology, as well as two senior operational policy officers at the Ministry. The consensus of these individuals was that Mr. C's application did not meet the test for an exemption on religious grounds. However, the Ministry did not make a decision after either of these reviews. The Ombudsman found that there were long periods of time when no action was taken on Mr. C's application.

The Ombudsman's investigation revealed that although the Ministry had issued Mr. C a series of temporary licences, the Ministry's driver's abstract for Mr. C contained incorrect information showing that he was unlicensed and that his licence was unrenewable. This misinformation was provided to a company that verifies cheque cashing information for retailers.

In an investigative summary, the Ombudsman noted that the Ministry continued to consider Mr. C's application for four years, although on its face it did not meet the policy criteria. He also noted that while the application form provided that applicants would be notified of a decision within 30 days, the policy did not set out any time frame to ensure timely decision-making. The Ombudsman expressed concern regarding the Ministry's failure to provide Mr. C with a decision in a timely manner and the lack of clarity surrounding its exemption process.

Following receipt of the Ombudsman's investigative summary, the Ministry provided Mr. C with a decision in December 2002 denying his application. The Ministry also agreed to clarify the policy and procedure for applications for photo exemption. The Ministry agreed to modify the application form and review its current criteria for exemption.



# Year in Review

- Inside Ombudsman Ontario
- Complaints About Us
- Frequently Asked Questions
- Reaching out to Ontario's communities
- Auditor's Report
- Salary Disclosure

# Inside Ombudsman Ontario

## Policy

Policy development continues to be an important component of Corporate Services at Ombudsman Ontario. This year saw the establishment of the Policy Development Committee to ensure the proper implementation of Ombudsman Ontario's new organizational direction. A policy development and evaluation framework was created and a range of new policies covering human resources, facility management and administrative issues were implemented.

Another major policy undertaking was the drafting of the Ombudsman Ontario Environmental Scan Report, a first for the organization. The report will be updated on an annual basis and cover both external (demographic, legislative, economic) and internal organizational (staffing, fiscal, technological) trends of interest to the office.

## Human Resources

The fiscal year saw the completion of Human Resources projects, including the Pay Equity compliance audit which resulted in minor adjustments made to align pay scales and adjust salaries of affected staff members. As well, the recommendations from the human resources audit completed in October 2002, continue to be implemented.

Thirteen members of staff celebrated 10, 15, 20 or 25 years of service with the organization and were presented with awards from the Ombudsman in recognition of their long service and their dedication to Ombudsman Ontario.

Local charities benefited from over \$10,000 raised by Ombudsman Ontario staff through payroll deductions and a number of fundraising events during the year.

## Training

Ombudsman Ontario continued its commitment to organizational staff training with workshops throughout the year on process flow-charting and health and safety training for managers, as well as accommodation, Workplace Hazardous Materials Information Sheets (WHMIS) and CPR training for all staff during the annual staff conference.

Ombudsman Representatives also received training on the application of the *Ombudsman Act* and file review and analysis.

The Provincial government established Program Evaluation in 2001 to enable a complete review, over a four-year period, of all programs and services provided by Ontario government ministries. Ombudsman Ontario Complaint Services staff took part this year in a four-day training session on program evaluation. This session provided them with an understanding of how ministries plan for new programs, how the programs are evaluated, and how to use evaluation reports effectively in their investigations.



## Corrections

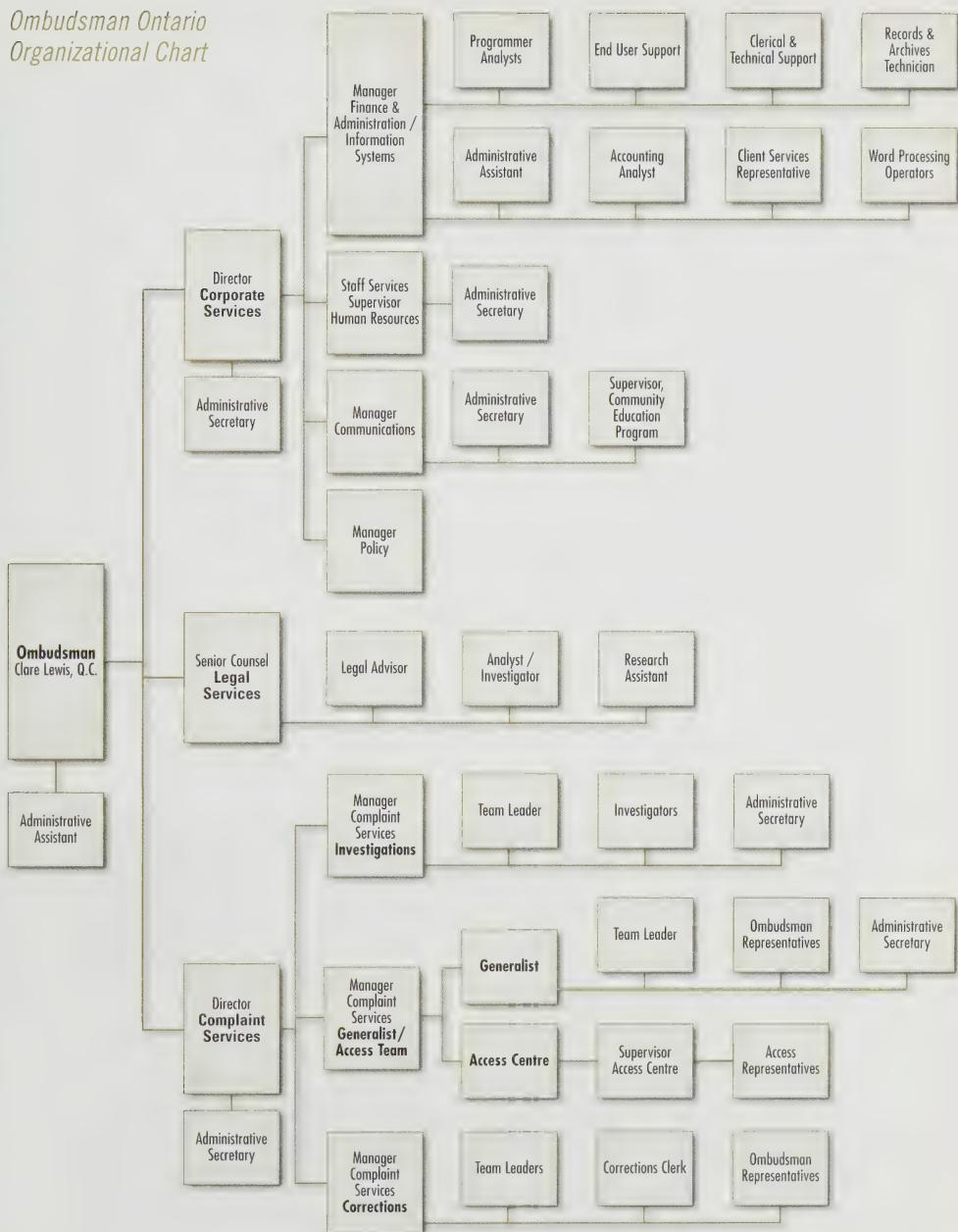
Complaint Services staff commenced regular visits to correctional facilities to receive and review complaints. On several occasions, staff made presentations to new correctional officers at the Central North Correctional Centre (CNCC) and the Bell Cairn Staff Development Centre in Hamilton. In addition, staff attended meetings with Superintendents from various correctional facilities and discussed complaint trends regionally and province-wide. For the second year, staff conducted a presentation on the role and function of Ombudsman Ontario to participants in the Correctional Worker Program at Niagara College.

## Information Technology

Ombudsman Ontario was approached by the Office of the Ombudsman of New Brunswick for assistance in finding a complaint tracking system. Following discussions, our office entered into an agreement to provide the New Brunswick Office a licence to use our case management system. This is the third jurisdiction Ombudsman Ontario has assisted by licencing our case management system.



## Ombudsman Ontario Organizational Chart



# Complaints About Us

To ensure that Ombudsman Ontario meets its goals of providing equitable and timely service, we have a system in place to review complaints from the public or government employees who are dissatisfied with the manner in which our staff handled a complaint. Ombudsman Ontario takes all complaints about its services seriously and views the complaints process as an opportunity to improve its service delivery.

The complaints we receive are classified into one of three categories: complaints about decisions, opinions and the disposition of a file; complaints about staff conduct; and complaints concerning organizational policies and procedures.

During the 2002–2003 fiscal year Ombudsman Ontario reviewed 15 complaints about our office, down from 30 last fiscal year. The following is a breakdown of these complaints by category:

- Eight concerned decisions, opinions and disposition of a file
- Four were about the conduct of staff
- Three related to organizational policies and procedures

Of the 15 complaints received, 12 were resolved on an informal basis, usually within 10 days, and warranted no further action. The remaining three involved more complex issues that required a more thorough and lengthy review. Resolution of these complaints took up to 20 days.

The outcomes of these formal complaints were as follows:

- In one case a letter was sent to the complainant upholding and explaining our decision.
- An apology was issued in another case.
- Information was provided about our file review process and a referral was made in the third case.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file.

Alternatively, you may forward your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail at [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or visit our web site at [www.ombudsman.on.ca](http://www.ombudsman.on.ca).



# Frequently Asked Questions

**Can you help me even if I'm not sure if my complaint is from a provincial organization?**

*If your complaint does not involve a matter over which the Ombudsman has jurisdiction, we will try to provide a referral to the appropriate organization. Ombudsman Ontario has over 3,100 records in our reference database.*

**If you are funded by the government, how can you be independent?**

*The Ombudsman is one of seven Officers of the Legislative Assembly. The Ombudsman reports to the Legislative Assembly directly and is not accountable to a Minister or through a Ministry. He is independent of government administration and all political parties. While the Ombudsman does receive funds from the Consolidated Revenue Fund, his budget estimates are approved by the Board of Internal Economy, a body composed of members of the governing party, the official opposition and the party with the third largest membership in the Assembly. The Board of Internal Economy is chaired by the Speaker of the Legislative Assembly.*

**Do I need a lawyer to complain to the Ombudsman?**

*No. However, with authorization from the client, a lawyer may represent their client in a complaint to the Ombudsman.*

**If the law is unfair, can the Ombudsman recommend it be changed?**

*Yes, if the Ombudsman determines that a governmental organization has conducted itself in accordance with a law that is inappropriate, he may recommend that the law be reconsidered.*

**Does it cost anything to complain to the Ombudsman?**

*Services provided by Ombudsman Ontario are free of charge.*

**What good is the Ombudsman to me if he can only recommend and not force the government to fix the problem?**

*While the Ombudsman cannot force a governmental organization to take specific corrective action, the Ombudsman is able to use his persuasive powers to encourage organizations to implement his recommendations. If a governmental organization does not comply with the Ombudsman's recommendations, the Ombudsman can table a report in the Legislative Assembly. Organizations are aware that if they do not cooperate with the Ombudsman, the Ombudsman's opinions and recommendations may be made public and reviewed by the Legislative Assembly.*

**I understand you are a last resort, but how do I know when to contact you?**

*The Ombudsman's Office is generally considered an office of "last resort." This means that the Ombudsman cannot investigate a complaint until all statutory appeal and review rights available to deal with the substance of the complaint have been exhausted. However, in most cases, we are able to provide assistance in the early resolution of your issue with an informal phone call.*

**Can someone from the Ombudsman's office come and speak to my community group?**

*Yes, someone from our Community Education Program would be pleased to come to your community group. We can also train groups to facilitate "How to Complain Effectively" workshops for their members or clients.*

# Reaching out to Ontario's communities

Improving public awareness of the Ombudsman's office is a key component of our corporate vision and accountability. While the core business of Ombudsman Ontario is to investigate public complaints about the administrative conduct of provincial governmental organizations, efficient and effective delivery of the message about the services provided by our office is an important function of Corporate Services. Community outreach and corporate communications are functions which are closely linked and used to disseminate our message to Ontario's communities.

Ombudsman Ontario provides information to the public in several ways, including the distribution of Ombudsman Ontario printed materials such as newsletters, brochures, posters and information sheets in over 33 languages. As well, information sessions about our role and function are conducted by Ombudsman staff. This year, we provided information sessions and intake clinics to various communities and organizations. A total of 365 activities were organized and conducted by our staff across the province. The highest number of outreach activities occurred in the Southwestern Ontario region with 116 sessions conducted by our traveling Ombudsman Representative during the year. These activities included visits to organizations that serve seniors, high school students, individuals with disabilities, women in shelters, groups which assist the unemployed and those concerned with occupational health and safety issues.

One of the more successful corporate communication initiatives this year has been the airing of a 30 second Public Service Announcement (PSA) which was produced in English and French and distributed to over 90 television and cable stations across Ontario at the end of December. Initial results have been very promising and in the final quarter of the fiscal year, 198 individuals said they contacted Ombudsman Ontario for assistance after learning about our office from seeing the PSA on television. By comparison, in the previous quarter, only 23 individuals identified television as their first source of information about our office.

Ontario's population of just over 11.4 million continues to be one of the most ethnically and culturally diverse populations in the world. Ombudsman Ontario's last public survey conducted in the late 1990s indicated that many culturally diverse communities, particularly within the Greater Toronto Area (GTA) (from Oakville in the west to Oshawa in the east and Lake Simcoe in the north), had very little knowledge of our office. In the 2002-2003 fiscal year, a promotion and advertising media campaign was undertaken to reach those individuals from culturally diverse communities within the GTA. The media campaign was also linked to the GTA pilot project that began in the fall of 2001. The project's purpose was to heighten awareness of Ombudsman Ontario's role and mandate within communities of the GTA which are significantly under-represented in our complainant base and to review and revise the strategy for our public education program.

Based on information gained in focus group meetings held as part of the GTA pilot project in the spring of 2002, specific strategies were given priority and tested during the project, including using the ethnic media. Other media initiatives included advertisements in a popular commuter newspaper which reach a significant number of people who live and work within the boundaries of the GTA. The media campaign resulted in a 149 per cent increase over the previous year of new complainants from the GTA who indicated they found out about Ombudsman Ontario through the media.

The GTA pilot project was completed in the fall of 2002. Based on the project's findings, 11 recommendations were put forward to successfully implement a restructured Community Education Program (CEP). The most significant recommendation was the hiring of a program supervisor to coordinate and deliver a comprehensive outreach program throughout the province.

The goals of the CEP are directly linked to two of Ombudsman Ontario's organizational goals:

*To enhance the knowledge, awareness and accessibility of Ombudsman Ontario services within the provincial government and Ontario's communities*

*To enhance the accountability of management practices that supports the delivery of efficient, effective, economical and essential services*

It is expected that the CEP will be a sustained, effective and deliberate organizational initiative which will focus on the development of networking relationships with community-based organizations, promote a better public awareness and understanding of the services of Ombudsman Ontario and identify strategies to improve and sustain effective public service.



# Auditor's Report

Office of the  
Provincial Auditor  
of Ontario



Bureau du  
vérificateur provincial  
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2  
B.P. 105, 15e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2  
(416) 327-2381 Fax: (416) 327-9862

To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2003. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 2003, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario  
May 16, 2003

J.R. McCarter, CA  
Assistant Provincial Auditor

## *Statement of Expenditure: for the year ended March 31, 2003*

Expenditure	2002/03 Estimates \$	2002/03 Actual \$	2001/02 Actual \$
Salaries and Wages	5,125,000	5,060,998	4,667,247
Employee Benefits (note 3)	999,400	855,992	968,462
Transportation and Communication	539,000	430,334	427,064
Services	1,484,200	1,572,156	1,474,438
Supplies and Equipment	345,800	568,995	465,749
Sub Total	8,493,400	8,488,475	8,002,960
Less Miscellaneous Revenue	0	18,405	18,091
<b>Net Expenditure</b>	<b>8,493,400</b>	<b>8,470,070</b>	<b>7,984,869</b>

See accompanying notes to financial statement.

Approved:

Ombudsman

## Notes to Financial Statement: March 31, 2003

### 1. Accounting Policies

#### a) Basis of accounting

Ombudsman Ontario uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.

#### b) Furniture, equipment and leasehold improvements

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

### 2. Expenditure and Miscellaneous Revenue

Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

### 3. Employee Future Benefits

Ombudsman Ontario provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) which is a multi-employer defined benefit pension plan established by the Province of Ontario.

Ombudsman Ontario's contribution related to the PSPF for fiscal year 2002/03 was \$215,259 (2001/02 — \$149,682) which is included in employee benefits.

The cost of post-retirement, non-pension benefits is paid by Ontario's Management Board Secretariat and is not included in the Statement of Expenditure.

## Salary Disclosure

The following list of those earning \$100,000 or more in T4 income for the year 2002 is being reported in accordance with the *Public Sector Salary Disclosure Act, 1996*:

#### Clare Lewis, Q.C., Ombudsman

T4 Income	\$172,022.16
T4 Taxable Benefits	\$1,451.16

#### Peter Allen, Director, Corporate Services

T4 Income	\$107,605.75
T4 Taxable Benefits	\$212.66

#### Lenna Bradburn, Director, Complaint Services

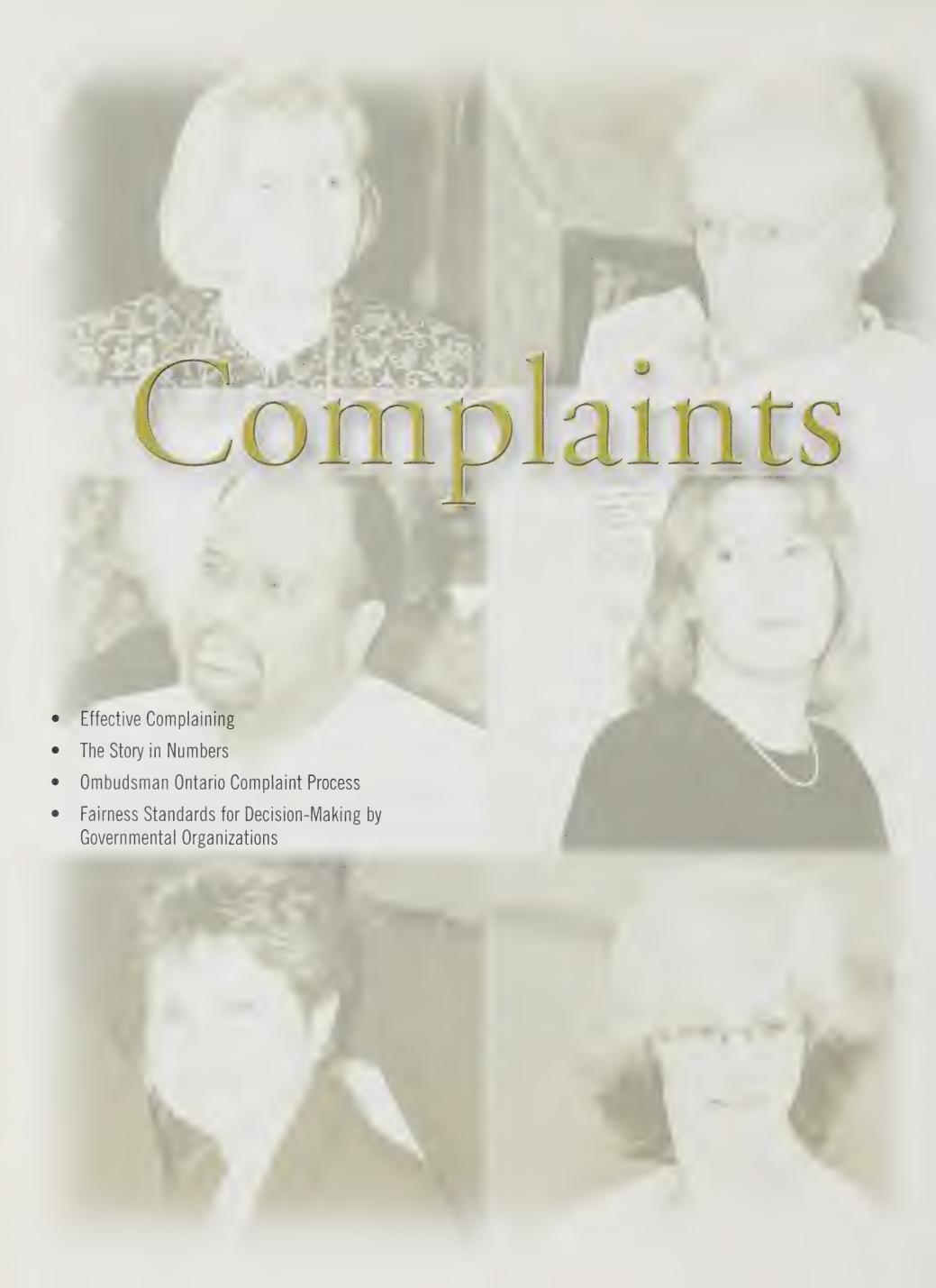
T4 Income	\$117,835.07
T4 Taxable Benefits	\$237.63

#### Laura Pettigrew, Senior Counsel

T4 Income	\$129,207.87
T4 Taxable Benefits	\$257.52

#### Wendy Ray, Senior Counsel

T4 Income	\$129,207.87
T4 Taxable Benefits	\$257.52



# Complaints

- Effective Complaining
- The Story in Numbers
- Ombudsman Ontario Complaint Process
- Fairness Standards for Decision-Making by Governmental Organizations

# Effective Complaining

Effective complaining can serve to prevent or stop injustice, correct errors, promote change for the better and generally gives people a sense of empowerment.

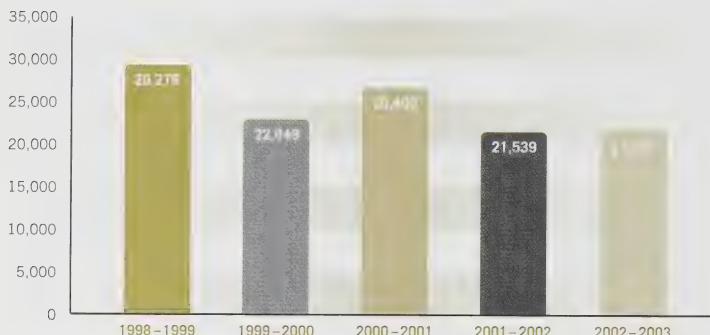
During the 2002–2003 fiscal year, Ombudsman Ontario received 21,757 complaints and enquiries from members of the public, many of whom believed they had been treated in a manner that was unfair, illegal, unreasonable or discriminatory. The following suggestions were generated by participants of the “How to Complain Effectively” workshops, part of Ombudsman Ontario’s Community Education Program.

- Let your anger motivate and give you energy.  
Try not to express it negatively.
- Be calm, cool and collected when expressing your complaint.
- Be clear and concise when describing the problem.
- Treat people you are talking to as you would like to be treated: with respect and courtesy.

- Listen carefully to the other person.
- Keep detailed records of the names of people you spoke to, the date and time and their response.
- Ask questions.
- Find out about any relevant complaint and appeal process.
- If you are not satisfied with a response, ask for a referral to someone at the next administrative level.
- Put your complaint in writing and keep copies of all documentation.
- Decide what you want and what you are willing to settle for.
- Be flexible and open-minded in attempting to resolve and find a solution to the problem.
- Call Ombudsman Ontario if you have exhausted all statutory avenues of appeal.

# The Story in Numbers

## *Total Complaints and Enquiries Received: Fiscal Years 1998–1999 to 2002–2003*

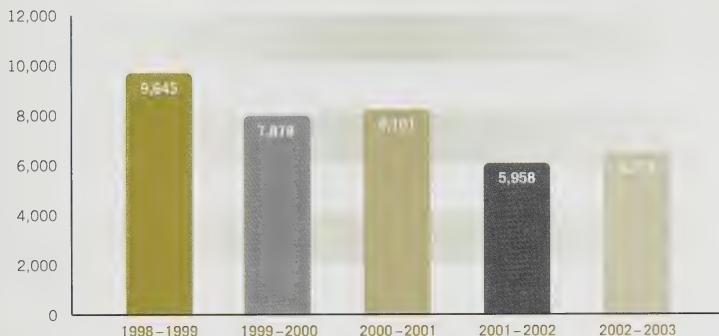


In the 2002–2003 fiscal year Ombudsman Ontario received a total of 21,757 complaints and enquiries. As the above graph illustrates, complaint and enquiry numbers for this fiscal year increased one per cent over the previous year.

Of the complaints and enquiries received by Ombudsman Ontario, 71 per cent were received by phone, 18 per cent were received by mail, six per cent were forwarded to us via the Internet and five per cent arose from visits to an Ombudsman Ontario office or at a community meeting organized by Ombudsman Ontario staff. Less than one per cent fell into the category of “other,” comprised of complaints and enquiries received through a Member of Provincial Parliament or through an Own Motion investigation initiated by the Ombudsman.

There was a 77 per cent increase in the number of complaints and enquiries received via the Internet. This trend not only reflects the wider diffusion of information technology in society, but also Ombudsman Ontario’s efforts to increase the visibility of our services over the Internet through strategic linkages with community web sites.

## *General Provincial Government Complaints and Enquiries\* Received: Fiscal Years 1998–1999 to 2002–2003*



\* Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government agencies and organizations, excluding the Ministry of Public Safety and Security's correctional facilities, young offender facilities operating under the jurisdiction of the Ministry of Community, Family and Children's Services, Ontario Parole and Earned Release Board and Probation and Parole Services.

### **General Provincial Government Complaint and Enquiry Trends**

There was an increase of seven per cent in complaints and enquiries about general provincial government organizations. Part of the rise may be attributed to the enhanced awareness of Ombudsman Ontario's services generated by the launch of the office's targeted media campaign and Community Education Program. As well, there was an increase in complaints and enquiries regarding a number of governmental organizations shortly after services resumed following a provincial government labour disruption occurring between March 13 and May 3, 2002.

Among the provincial organizations that saw above average increases in complaints and enquiries were:

- Hydro One Networks Inc. up 54.6 per cent from 86 to 133
- Ontario Rental Housing Tribunal up 27.4 per cent from 131 to 167
- Family Responsibility Office up 15.4 per cent from 1,156 to 1,335

*Top 10 General Provincial Government Organizations  
Complaints and Enquiries Received: Fiscal Year 2002–2003*

Organization/ Program	Complaints/Enquiries	Percentage of Total
Family Responsibility Office	1,335	20.77
Workplace Safety and Insurance Board	790	12.29
Ontario Disability Support Program	601	9.35
Workplace Safety and Insurance Appeals Tribunal	213	3.31
Ontario Student Assistance Program	212	3.30
Ontario Human Rights Commission	183	2.85
Ministry of Transportation — Driver Licensing	175	2.72
Ontario Rental Housing Tribunal	167	2.60
Legal Aid Ontario	151	2.35
Hydro One Networks Inc.	133	2.07

The top five provincial programs registering the greatest number of complaints and enquiries remained unchanged from the 2001–2002 fiscal year, and are the Family Responsibility Office, Workplace Safety and Insurance Board, Ontario Disability Support Program, Workplace Safety and Insurance Appeals Tribunal and the Ontario Student Assistance Program. Combined, these programs accounted for almost half of the general provincial government complaints and enquiries received by Ombudsman Ontario — a proportion largely unchanged from last year.

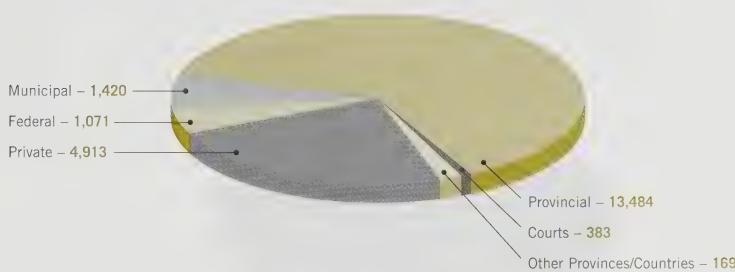
Broadly speaking, the types of complaints and enquiries against general provincial government organizations received by our office can be categorized into two areas: dissatisfaction with decisions made by government agencies (e.g. denial of applications for benefits, tribunal decisions) and customer service/communications related issues. In terms of the latter concerns, a significant number of complaints and enquiries were from individuals contending that they were not being

provided with adequate information about a program; not receiving communication in response to an enquiry; not able to obtain a file status update; and experiencing delays in receiving benefits.

### **Correctional and Young Offender Services**

The rise in complaints and enquiries about general provincial government organizations was offset by a fall of 7.3 per cent in complaints and enquiries about provincial government organizations involved in the delivery of correctional and young offender services. Those organizations include the Ministry of Public Safety and Security's correctional facilities, the Ministry of Community, Family and Children's Services' young offender facilities, Ontario Parole and Earned Release Board and Probation and Parole Services. A portion of this drop was likely influenced by the labour disruptions in the spring of 2002 that impacted adult and young offender facilities directly operated by the Ministry of Public Safety and Security and which resulted in a curtailment of phone access for inmates.

## Complaints and Enquiries: Closed During 2002–2003



*In Order of Frequency, the Most Common Types of Jurisdictional Complaints Investigated by Ombudsman Ontario This Year Were:*

Types of Complaints	Rank	Previous Year
1 Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1	
2 Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	2	
3 Insufficient reasons for a decision or no reasons given	4	
4 Adverse impact or discriminatory consequence of a decision or policy on an individual or group	3	
5 Inadequate or improper investigation conducted	6	
6 Failure to adequately or appropriately communicate with a client	8	
7 Harrassment by a governmental official; bias; mismanagement; bad faith	5	
8 Denial of service	7	
9 Unreasonable delay	13	
10 Failure to keep a proper record	10	
11 Other	11	
12 Failure to provide sufficient or proper notice	14	
13 Omission to monitor or manage an agency for which the governmental organization is responsible	12	
14 Unfair settlement imposed; coercion	9	

## Delivering Results

During the fiscal year 2002–2003 Ombudsman Ontario staff received 21,757 complaints and enquiries and closed a total of 21,440 complaints and enquiries during the same period.

Of the total complaints and enquiries closed this fiscal year, 13,484 related to provincial government organizations. In 78 per cent of these cases, assistance was provided or a resolution reached in favour of the complainant through referrals, enquiries made or investigations conducted by our staff. The remaining 22 per cent includes complaints and enquiries that were discontinued, independently resolved, resolved in favour of the government or cases in which no action was possible.

### In a Timely Fashion

Seventy-five per cent of all complaints were closed within 32 days of receipt, up from 24 days last year, and 50 per cent were actually closed within eight days, up from seven days last year.

However, not all complaints can be resolved as quickly. Some involve more complex issues and require a formal investigation. On average these formal investigations were resolved in just over 13 months, up slightly from last year's average of 12 months.

The increase in the time taken to resolve complaints was in large part the result of the labour disruption that affected the provincial government in the spring of 2002. Although our office continued to receive complaints from the public during the period of the disruption, we were not able to access many provincial government program and service providers. This impeded our ability to effectively conduct case resolution activities,

which in turn resulted in delays in the closure of complaints. These problems persisted for several weeks after the labour disruption had concluded, given that government employees were primarily focused on returning service delivery to normal and were not readily available to respond to or deal with complaints and enquiries from our office.

## Complainant Profile

Recent data released by Statistics Canada from the 2000 Census highlights the increasing social and cultural diversity of Ontario. In this regard, Ombudsman Ontario is committed to the delivery of services that are sensitive to this diversity and respond to the distinct needs of communities throughout Ontario.

One way of helping to achieve these objectives is by surveying individuals contacting our office, excluding inmates and young offenders, to determine their demographic profile. This year, 72 per cent of such individuals completed the survey. Completion of the survey is voluntary and anonymous. Information is collected about gender, geographic location, age, race, parental status, disability, First Nations/Aboriginal status and household income. The survey results help the Ombudsman identify groups that are under-represented as complainants to our office, given their proportion of the population. This also enables us to track emerging issues of concern for the Ontario public.

The demographic information collected through the survey is also correlated with the complaints and enquiries we receive about various provincial government organizations. This information allows us to better understand the kind of concerns particular groups have about certain government bodies and agencies.

## Demographic Profile by Race

Racial Group	Percentage of Individuals Surveyed
White/European	83
Racial Minority*	9
Aboriginal/First Nation	3
No answer	5

\* Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

## Demographic Profile — Selected Groups

Group	Percentage of Individuals Surveyed
People with disabilities	33
Sole-support parents	14
Youth — under age 25	3
Seniors — age 65 and over	8

Currently, we are reviewing statistical information from the 2000 Census and comparing this with our own survey results to help ensure our programs are reaching all groups and communities in the province.

The 2002–2003 fiscal year saw some minor shifts in the survey results compared to last year. For example, the proportion of individuals surveyed identified as sole-support parents fell to 14 per cent from 16 per cent last year.

## Other highlights:

- Youth accounted for three per cent of all individuals surveyed, a figure unchanged from last year. Among this demographic group, the provincial programs generating the greatest number of complaints and enquiries were the Ontario Student Assistance Program and the Ministry of Transportation's Driver Licensing program.
- The proportion of individuals surveyed who identified themselves as seniors remained steady at eight per cent.
- The proportion of individuals surveyed who identified themselves as First Nations and Aboriginal peoples fell to three per cent from four per cent last year.

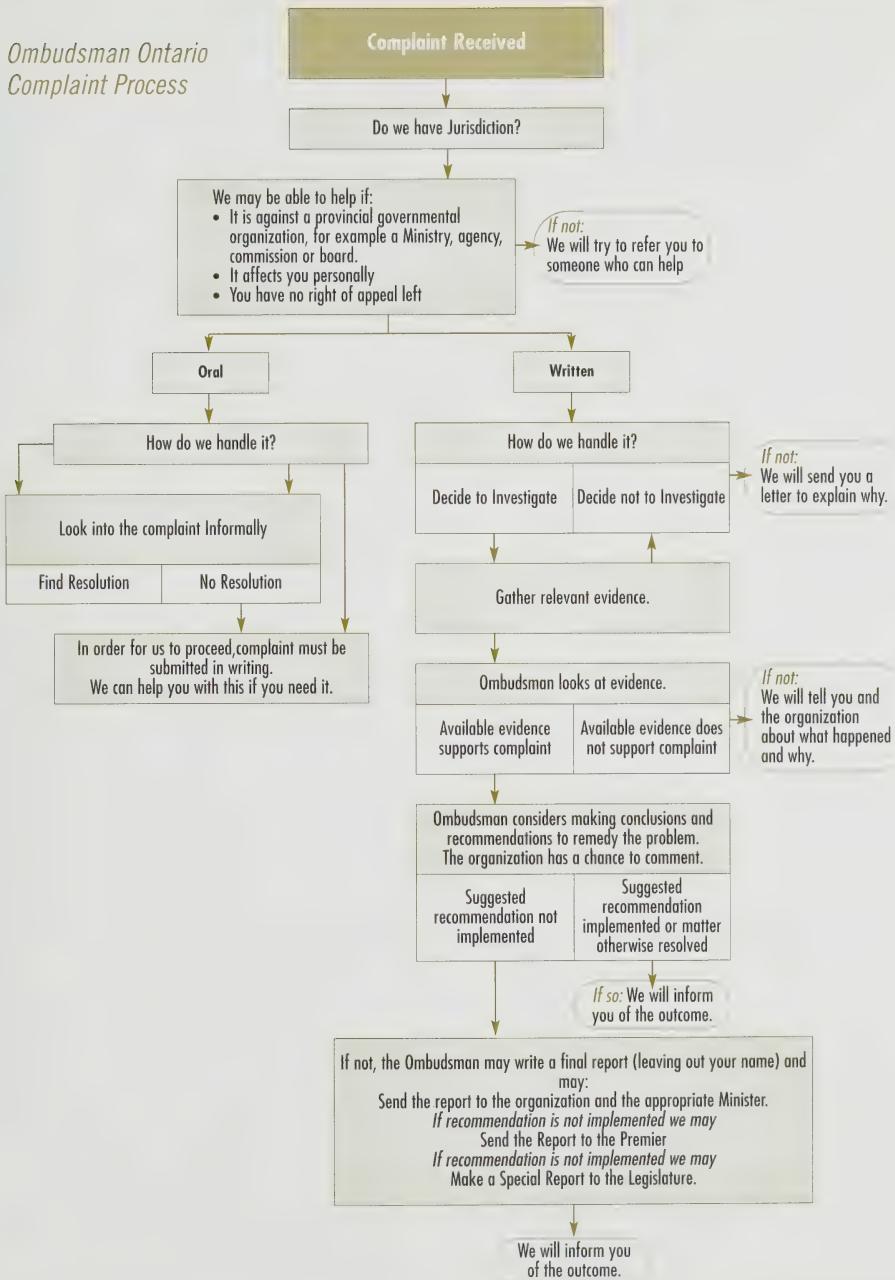
## *Outcome of Complaints and Enquiries: Closed During 2002–2003*

	Non-Provincial	Provincial
Discontinued by Complainant		1,553
Discontinued by Ombudsman		82
Resolved in Favour of Complainant		1,470
Resolved in Favour of Government		570
Resolved Independently		452
Enquiry Made/Referral Given/Resolution Facilitated	7,899	9,120
No Action Possible	57	237
<b>Totals of all outcomes</b>	<b>7,956</b>	<b>13,484</b>

## **Glossary of Outcomes**

- **Discontinued by complainant:** The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman:** The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject-matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government:** The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently:** Our enquiries reveal that the complaint has been resolved prior to our receiving the complaint or enquiry.
- **Enquiry made/Referral Given/Resolution Facilitated:** Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible:** No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

*Ombudsman Ontario  
Complaint Process*



# Fairness Standards for Decision-Making by Governmental Organizations

## Introduction

The Ombudsman investigates complaints relating to the administrative conduct of Ontario's provincial governmental organizations. The Ombudsman encourages provincial governmental organizations to use the Fairness Standards in their administrative decision-making.

There are many types of decisions. The decisions which require the most rigorous application of the Fairness Standards are decisions of statutory tribunals that have significant impact on individual rights. Whether any given Fairness Standard will apply, will depend on the nature of the decision, the decision-maker and the parties and interests involved.

## Fairness Standards For Decision-Making

Anyone who may be personally affected by a decision should be given adequate and timely notice of:

- the fact that a decision will be made;
- why a decision is necessary;
- how the decision will affect him/her;
- what information will be considered in the decision-making process;
- what criteria, rules, procedures, policies, or requirements will be applied in the decision-making process;
- the amount of time the decision-making process is expected to take;
- information against his or her interest before the decision is made;
- the decision;

- reasons that adequately explain how and why the decision was made;
- any appeal and/or objection that can be made with respect to the decision; and
- any time limits to the appeal and/or objection that can be made with respect to the decision.

In its decision-making process, the provincial governmental organization should:

- reach the decision objectively, with due respect for relevant information and without bias;
- require and use only that information that is relevant to the decision;
- apply any relevant criteria, rules, policies, procedures, or requirements consistently;
- justify and explain any inconsistency in the application of the criteria, rules, policies, procedures or requirements;
- provide anyone personally affected by the decision with an opportunity to respond to information against his or her interest before the decision is made;
- treat all persons equitably with due respect for differences, circumstances and needs;
- make the decision in a timely fashion;
- explain any delay and accept responsibility for any unnecessary delay that it has caused and for dealing with any adverse consequences of the delay;
- write all notices, decisions and other relevant documents:
  - clearly; and
  - in a courteous, sensitive manner that is respectful of the persons to whom it is addressed.

# Statistical Charts

# Complaints and Enquiries Closed 2002–2003 Against Provincial Government Organizations\* by Final Resolution

(When a complaint is made against a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Investigation Discontinued by Com't	Investigation Discontinued by Omb.	Enquiry Made/Referral Given/Resolution Facilitated		No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.						
<b>MANAGEMENT BOARD</b>									
MANAGEMENT BOARD SECRETARIAT	2				1		12		15
ONTARIO PENSION BOARD	1	1				1	14		17
ONTARIO REALTY CORPORATION	1				2		6		9
<b>MINISTER RESPONSIBLE FOR NATIVE AFFAIRS</b>									
ONTARIO NATIVE AFFAIRS SECRETARIAT							2		2
<b>MINISTER RESPONSIBLE FOR SENIORS</b>									
ONTARIO SENIORS' SECRETARIAT							3		3
<b>MINISTRY OF AGRICULTURE AND FOOD</b>									
OTHER	1				1		10		12
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL		2					5		7
FARMLAND PROPERTY TAX PROGRAM							2		2
<b>MINISTRY OF CITIZENSHIP</b>									
OTHER	2			1			1		4
ONTARIO HUMAN RIGHTS COMMISSION	5	28		1	10	21	123	8	196
<b>MINISTRY OF COMMUNITY, FAMILY AND CHILDREN'S SERVICES</b>									
OTHER	7	4		5	2		57	4	79
ADOPTION DISCLOSURE REGISTRY	3			2	1		9		15
DISABILITY ADJUDICATION UNIT	6	2			1		42		51
FAMILY RESPONSIBILITY OFFICE	223	27		26	17		1024	17	1334
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY		1					11		12
ONTARIO DISABILITY SUPPORT PROGRAM	53	8		13	12	1	516	12	615
SOCIAL BENEFITS TRIBUNAL	3	13		1	6		65	4	92
SPECIAL NEEDS PROGRAMS — ADULT/CHILDREN	6	1				3	18	1	29
THISTLETOWN REGIONAL CENTRE							1		1
YOUNG OFFENDER FACILITIES	1	1		2	2		13		19
<b>MINISTRY OF CONSUMER AND BUSINESS SERVICES</b>									
OTHER	1						26	2	29
ALCOHOL AND GAMING COMMISSION OF ONTARIO	1	2			1		18		22
LAND REGISTRY OFFICES	1	1					7		9
LICENCE APPEAL TRIBUNAL		2			1		6		9
LIQUOR CONTROL BOARD OF ONTARIO							11		11
OFFICE OF THE REGISTRAR GENERAL	14	5		2	3		92		116
<b>MINISTRY OF CULTURE</b>									
OTHER							2		2
ONTARIO ARTS COUNCIL							1		1
ONTARIO MEDIA DEVELOPMENT CORPORATION		1							1
ONTARIO TRILLIUM FOUNDATION							3		3
<b>MINISTRY OF EDUCATION</b>									
OTHER	1	5		2	1		37	1	47
SPECIAL EDUCATION TRIBUNAL		1							1
<b>MINISTRY OF ENERGY</b>									
OTHER							13		13
HYDRO ONE NETWORKS INC.	12	3		3	3		107	5	133
INDEPENDENT ELECTRICITY MARKET OPERATOR							11		11
ONTARIO ENERGY BOARD							13		13
ONTARIO POWER GENERATION INC.							1	1	2

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

*Complaints and Enquiries Closed 2002-2003 Against Provincial Government Organizations\* by Final Resolution  
(When a complaint is made against a ministry in general, it is identified as 'other') — Continued*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Investigation Discontinued by Com't	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.				
<b>MINISTRY OF ENTERPRISE, OPPORTUNITY AND INNOVATION</b>							
OTHER						2	2
<b>MINISTRY OF FINANCE</b>							
OTHER	1	4		1	19	2	27
FINANCIAL SERVICES COMMISSION OF ONTARIO	1	2		1	61	2	67
MOTOR VEHICLE ACCIDENT CLAIMS FUND					4		4
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	3	2			34	1	40
ONTARIO SECURITIES COMMISSION			1		14		15
PROVINCIAL TAX PROGRAMS (NON PST)	2			1	6	1	10
RETAIL SALES TAX (PST)	3	2		2	1	20	30
<b>MINISTRY OF HEALTH AND LONG-TERM CARE</b>							
OTHER	7	5		1	68	6	87
ASSISTIVE DEVICES / HOME OXYGEN PROGRAMS	1	3		1	8	1	15
CANCER CARE ONTARIO					1		1
COMMUNITY CARE ACCESS CENTRE	1			3	28	2	34
CONSENT AND CAPACITY BOARD	1			1	2		4
DRUG PROGRAMS BRANCH — ONTARIO DRUG BENEFIT PROGRAM	5			1	9		15
DRUG PROGRAMS BRANCH — SECTION 8 REQUESTS	1			1	12		14
DRUG PROGRAMS BRANCH — TRILLIUM DRUG PROGRAM	4			1	30		35
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	17		4	11		33
HEALTH SERVICES APPEAL AND REVIEW BOARD					4		5
LONG TERM CARE BRANCH	1	2			21		24
NORTHERN HEALTH TRAVEL GRANT	1	3		2	16		22
ONTARIO HEALTH INSURANCE PLAN	10	1		3	88	1	103
PATIENT ADVOCATES					4		4
PSYCHIATRIC HOSPITALS/ MENTAL HEALTH CENTRES	2	2			44	1	49
<b>MINISTRY OF LABOUR</b>							
OTHER	1	2		1	16		20
EMPLOYMENT PRACTICES BRANCH	3	4		4	42	2	55
GRIEVANCE SETTLEMENT BOARD					3		4
OFFICE OF THE WORKER ADVISER	3			1	30	3	37
ONTARIO LABOUR RELATIONS BOARD		20	1	3	39	1	65
PAY EQUITY COMMISSION	1	1			3		5
PUBLIC SERVICE GRIEVANCE BOARD					1		2
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	2	102		15	136	8	269
WORKPLACE SAFETY AND INSURANCE BOARD	25	9		11	724	13	794
<b>MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING</b>							
OTHER		2		1	1	2	31
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD				1		4	5
ONTARIO RENTAL HOUSING TRIBUNAL	5	18		4	3	130	168
<b>MINISTRY OF NATURAL RESOURCES</b>							
OTHER	1	1	1	1	2	42	49
CROWN LAND	6	3			26	1	37
LICENSES/TAGS			1		17	1	19
NIAGARA ESCARPMENT COMMISSION		5					5
PROVINCIAL PARKS				5	4		9
<b>MINISTRY OF NORTHERN DEVELOPMENT AND MINES</b>							
OTHER						12	12
ONTARIO NORTHLAND TRANSPORTATION COMMISSION						2	2

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

*Complaints and Enquiries Closed 2002-2003 Against Provincial Government Organizations\* by Final Resolution  
(When a complaint is made against a ministry in general, it is identified as 'other') – Continued*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Investigation Discontinued by Omb.	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org. with Suggest.	Gov't Org.						
<b>MINISTRY OF PUBLIC SAFETY AND SECURITY</b>									
OTHER	8	3		2	1	2	38	2	56
CORRECTIONAL CENTRES	492	82		154	593	35	1814	30	3200
DETENTION CENTRES	307	56	1	112	500		1260	35	2271
JAILS	148	25	3	64	261	1	772	39	1313
OFFICE OF THE CHIEF CORONER	1			1		1	7		10
OFFICE OF THE FIRE MARSHAL		2					3		5
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		2					7		9
ONTARIO PAROLE AND EARNED RELEASE BOARD	1				1		10		12
ONTARIO PROVINCIAL POLICE							28		28
PROBATION AND PAROLE SERVICES	7	2		1	2		26		38
YOUNG OFFENDER FACILITIES	10	3		16	37	1	63		130
<b>MINISTRY OF THE ATTORNEY GENERAL</b>									
OTHER		2			1		39	1	43
ASSESSMENT REVIEW BOARD		5			2		12		19
CHILDREN'S LAWYER		1					11		12
CRIMINAL INJURIES COMPENSATION BOARD	1	1			1		16	1	20
CROWN ATTORNEYS							19	1	20
LEGAL AID ONTARIO	4	14		6	5		126	2	157
ONTARIO LOTTERY AND GAMING CORPORATION	1	2					4		7
ONTARIO MUNICIPAL BOARD		2			2		20		24
PUBLIC GUARDIAN AND TRUSTEE	2	1			2		58		63
<b>MINISTRY OF THE ENVIRONMENT</b>									
OTHER		2		1	3		46	2	54
DRIVE CLEAN PROGRAM	1	1					4		6
ENVIRONMENTAL REVIEW TRIBUNAL							1		1
<b>MINISTRY OF TOURISM AND RECREATION</b>									
OTHER							8		8
<b>MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES</b>									
OTHER	2	2					29		33
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	3					1	24	1	29
ONTARIO STUDENT ASSISTANCE PROGRAM	15	10		4	6	1	163	5	204
TVONTARIO							5		5
<b>MINISTRY OF TRANSPORTATION</b>									
OTHER	6	2			1		36		45
DRIVER EXAMINATION CENTRES	1	1		1			28		31
DRIVER LICENSING	10	12		2	2		156	5	187
HIGHWAYS	3	1					16		20
MEDICAL REVIEW	6	5		3	2		109	2	127
ONTARIO HIGHWAY TRANSPORT BOARD							1		1
TORONTO AREA TRANSIT OPERATING AUTHORITY							1		1
VEHICLE LICENSING	5	2		1	3		27	1	39
<b>ONTARIO GOVERNMENT</b>									
OTHER							54	1	55
INFORMATION AND PRIVACY COMMISSIONER /ONTARIO							24		24
OFFICE OF THE CHIEF ELECTION OFFICER							1		1
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER							9		9
OFFICE OF THE PROVINCIAL AUDITOR							1		1

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

*Complaints and Enquiries Closed 2002–2003 by Provincial Ridings (excluding complaints against Correctional Facilities)\**

Riding	Total	Riding	Total	Riding	Total
Algoma — Manitoulin	190	Kingston and the Islands	141	Renfrew — Nipissing —	
Ancaster — Dundas —		Kitchener Centre	105	Pembroke	150
Flamborough — Aldershot	59	Kitchener — Waterloo	96	Sarnia — Lambton	152
Barrie — Simcoe — Bradford	156	Lambton — Kent — Middlesex	111	Sault Ste. Marie	504
Beaches — East York	102	Lanark — Carleton	111	Scarborough — Agincourt	53
Bramalea — Gore — Malton —		Leeds — Grenville	118	Scarborough Centre	80
Springdale	68	London — Fanshawe	170	Scarborough East	52
Brampton Centre	68	London General Area	14	Scarborough — Rouge River	38
Brampton West — Mississauga	82	London North Centre	190	Scarborough Southwest	89
Brant	123	London West	148	Simcoe — Grey	148
Bruce — Grey — Owen Sound	200	Markham	37	Simcoe North	203
Burlington	74	Mississauga Centre	57	St. Catharines	116
Cambridge	85	Mississauga East	54	St. Paul's	78
Chatham — Kent Essex	184	Mississauga General Area	4	Stoney Creek	84
Davenport	62	Mississauga South	140	Stormont — Dundas —	
Don Valley East	56	Mississauga West	7	Charlottenburgh	74
Don Valley West	69	Nepean — Carleton	57	Sudbury	201
Dufferin — Peel —		Niagara Centre	116	Thornhill	31
Wellington — Grey	107	Niagara Falls	106	Thunder Bay — Atikokan	165
Durham	75	Nickel Belt	139	Thunder Bay General Area	7
Eglinton — Lawrence	58	Nipissing	232	Thunder Bay — Superior North	235
Elgin — Middlesex — London	143	Northumberland	156	Timiskaming — Cochrane	244
Erie — Lincoln	89	Oak Ridges	59	Timmins — James Bay	214
Essex	131	Oakville	64	Toronto Centre — Rosedale	186
Etobicoke Centre	46	Oshawa	128	Toronto — Danforth	114
Etobicoke — Lakeshore	79	Ottawa Centre	94	Toronto General Area	56
Etobicoke North	102	Ottawa General Area	4	Trinity — Spadina	100
Glengarry — Prescott — Russell	94	Ottawa — Orléans	57	Unknown	84
Guelph — Wellington	122	Ottawa South	65	Vaughan — King — Aurora	49
Haldimand — Norfolk — Brant	109	Ottawa — Vanier	71	Waterloo — Wellington	58
Haliburton — Victoria — Brock	183	Ottawa West — Nepean	123	Whitby — Ajax	105
Halton	101	Out Of Province/International	340	Willowdale	71
Hamilton East	135	Oxford	129	Windsor General Area	11
Hamilton General Area	8	Parkdale — High Park	87	Windsor — St. Clair	174
Hamilton Mountain	87	Parry Sound — Muskoka	175	Windsor West	176
Hamilton West	127	Perth — Middlesex	89	York Centre	94
Hastings — Frontenac —		Peterborough	117	York North	88
Lennox and Addington	165	Pickering — Ajax — Uxbridge	85	York South — Weston	68
Huron — Bruce	115	Prince Edward — Hastings	130	York West	34
Kenora — Rainy River	214				

\* When a postal code is available.

*Complaints and Enquiries Received 2002-2003 Against the Ministry of Public Safety and Security Correctional Facilities\**

**BY SUBJECT MATTER**

HEALTH — ADEQUACY OF CARE	798
LIVING CONDITIONS — FOOD/DIET	606
HEALTH — MEDICATION (OTHER)	488
STAFF CONDUCT	468
HEALTH — DELAY	405
LIVING CONDITIONS	376
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	337
PERSONAL/INMATE PROPERTY	329
LIVING CONDITIONS — CLEANLINESS, HYGIENE, SANITATION	322
YARD	316
RESPONSES TO INMATE REQUESTS	314
SECURITY — LOCKDOWN	280
OTHER	260
LIVING CONDITIONS — CLOTHING SIZE, CONDITION, ETC.	229
TELEPHONE ACCESS/USE	207
LIVING CONDITIONS — LOCKUP	190
LIVING CONDITIONS — PERSONAL HYGIENE	169
CORRESPONDENCE	159
LIVING CONDITIONS — SEGREGATION	140
LIVING CONDITIONS — BEDDING/MATTRESSES/ TOWELS	135
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAMS	134
HEALTH — OTHER	123
INMATE TRUST ACCOUNT	119
LIVING CONDITIONS — HEATING, VENTILATION, AIR	119
HEALTH — PRESCRIPTION REQUEST	117

**BY SUBJECT MATTER**

ADMINISTRATIVE SEGREGATION	113
HEALTH — MEDICAL DIET	113
INMATE MISCONDUCT ISSUANCE ADJUDICATION	101
ADMINISTRATION — OTHER	98
RELIGIOUS OR LIFE STYLE DIET	92
HEALTH — SPECIALIST APPOINTMENTS	92
HEALTH — DENTAL — PREVENTATIVE OR RESTORATIVE	88
HEALTH — DENTAL — EMERGENCY	87
HEALTH — CONTINUITY OF CARE (ADMISSIONS)	86
RELIGIOUS/SPIRITUAL OBSERVANCE	84
CANTEEN	80
OMBUDSMAN ACCESS (LETTER OR PHONE)	73
POLICY/PRACTICE	73
VISITING PRIVILEGES	72
DENTAL	72
CLASSIFICATION — OTHER	71
ALLEGATIONS OF EXCESSIVE FORCE — STAFF MISCONDUCT	70
LIVING CONDITIONS — OVERCROWDING	70
ADMINISTRATION — DELAY	67
INMATE-INMATE DISPUTES/ASSAULTS	63
HEALTH — METHADONE PROGRAM	58
COMMittal/SENTENCE CALCULATION	58
ADMINISTRATION — UNFAIRNESS	56
TEMPORARY ABSENCE PASSES	46
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	46
LIVING CONDITIONS — CELL TIME	45

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

*Complaints and Enquiries Received 2002-2003 Against the Ministry of Public Safety and Security Correctional Facilities\** – Continued

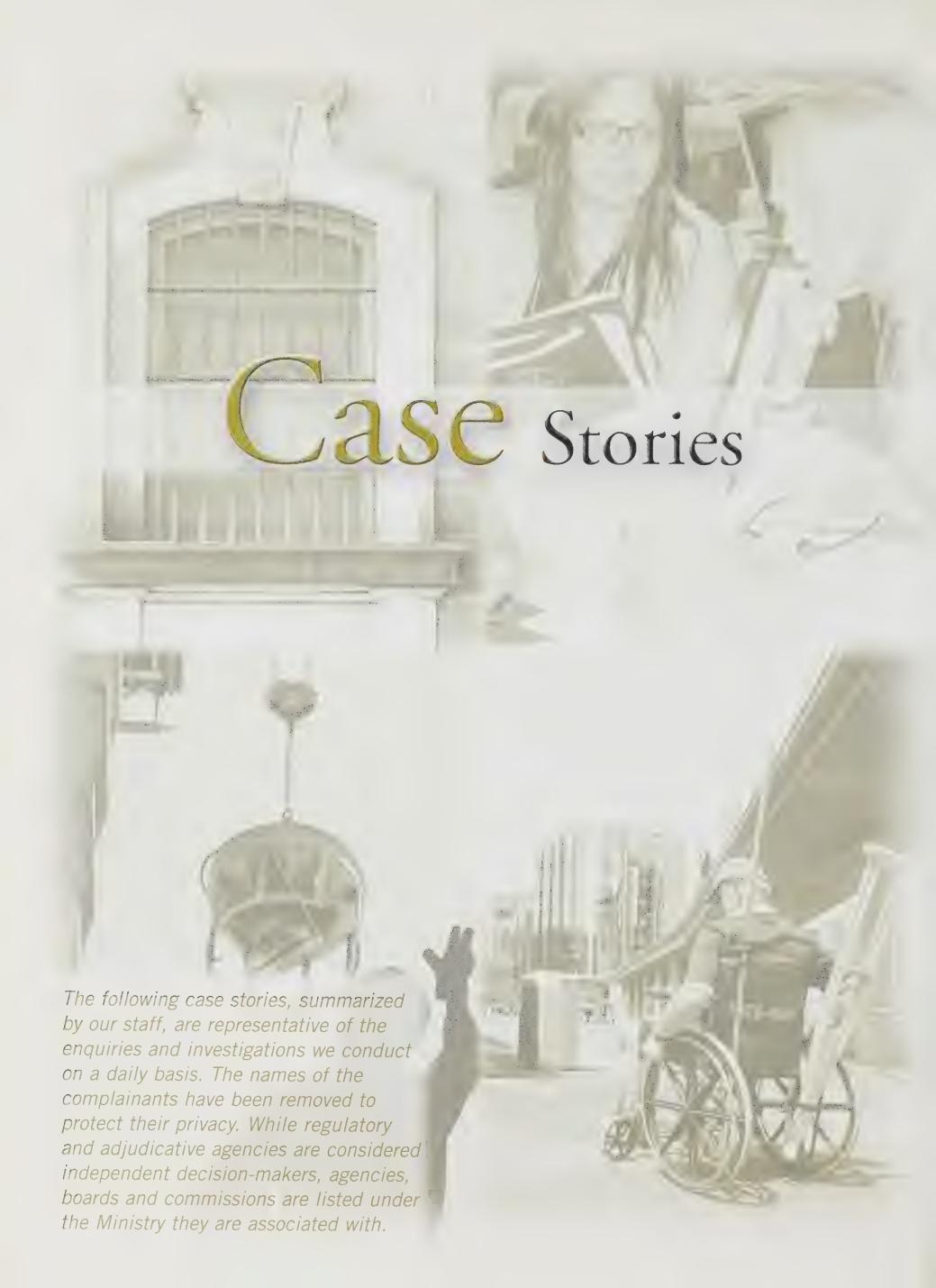
**BY SUBJECT MATTER**

HEALTH — MEDICAL APPLIANCES/DEVICES REQUESTS	39
SPECIAL NEEDS/ TREATMENT UNIT	37
HEALTH — GLASSES, EYE CARE	37
REQUEST FOR PROCEDURAL INFORMATION	36
INTERMITTENT SENTENCE	35
HEALTH — STAFF CONDUCT	34
INSTITUTIONAL DISCIPLINE — OTHER THAN INMATE MISCONDUCT	34
HEALTH — HOSPITAL VISITS/ADMISSION	32
HEALTH — CONTINUITY OF CARE (TRANSFER)	32
CONFINEMENT SEGREGATION	32
HEALTH — DIAGNOSIS	28
SEARCHES	28
PROTECTIVE CUSTODY	26
REQUEST FOR PHONE NUMBER OR ADDRESS	25
RACE RELATED COMPLAINTS	24
ADMINISTRATION — BIAS	23
ADMINISTRATION — NO RESPONSE TO CORRESPONDENCE	23
HEALTH — SECOND MEDICAL OPINION REQUESTS	22
LOST EARNED REMISSION	21
LEGAL AID	19
LIVING CONDITIONS — SMOKING	18
PRE-RELEASE	18
HEALTH — DENTAL — DENTAL APPLIANCES/ DENTURES	17
HEALTH — HIV/AIDS	14
HEALTH — MEDICAL CONFIDENTIALITY/PRIVACY	14
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	12
ALLEGATIONS OF REPRISAL FOR OMBUDSMAN CONTACT	12

**BY SUBJECT MATTER**

INMATE TRANSPORTATION UPON RELEASE	12
NEWSPAPER SUBSCRIPTIONS/DELIVERY	11
HEALTH — MEDICAL SEGREGATION	11
COMPLAINANT IS ON IMMIGRATION HOLD	11
ADMINISTRATION — PROGRAM INFORMATION INADEQUATE	11
EMPLOYMENT — OTHER	10
HEALTH — SUICIDE WATCH	10
LOST EARNED REMISSION/PUNITIVE SEGREGATION	9
HEALTH — HEPATITIS	8
HEALTH — GYNECOLOGICAL/OBSTETRICAL	5
ELECTRONIC MONITORING	5
MEALS AT COURT	5
LIVING CONDITIONS — IMMIGRATION HOLD	4
TELEPHONE (BUSY, NOT IN SERVICE, ETC.)	4
HEALTH — SMOKING CESSATION ASSISTANCE	4
BAILIFFS	4
INMATE INSTITUTION GUIDE	4
MENTAL HEALTH CARE	4
ADMINISTRATION — INADEQUATE OR NO COMMUNICATION RECEIVED	3
ADMINISTRATION — UNABLE TO OBTAIN FILE STATUS UPDATE	3
CHARTER OF RIGHTS/HUMAN RIGHTS	2
HEALTH — PRE-NATAL CARE	2
HEALTH — SEGREGATION	2
FRENCH LANGUAGE SERVICES	2
TRANSFER-FEDERAL INSTITUTION	1
EMPLOYMENT — UNFAIR COMPETITION	1
HEALTH — HUNGER STRIKE — FOOD WATCH	1

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.



# Case Stories

*The following case stories, summarized by our staff, are representative of the enquiries and investigations we conduct on a daily basis. The names of the complainants have been removed to protect their privacy. While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.*

## Ministry of the Attorney General

### Legal Aid Ontario

**Mr. O** complained to the Ombudsman that Legal Aid Ontario (LAO) unreasonably denied his application for a legal certificate to appeal his criminal conviction and sentence. He contended that the decision was based on a personal assessment of his appeal, not the facts or LAO's guidelines. In reviewing the case, the Ombudsman noted that LAO is required to establish and administer a cost-effective and efficient system for providing high quality legal services to low-income individuals in Ontario. Further, the legislation requires LAO to establish policies and priorities for the provision of legal aid services based on its financial resources. The Ombudsman indicated that he did not believe it unreasonable for LAO to determine how to allocate its resources given the volume of certificate applications it receives and its limited resources.

Based on his review of LAO's final decision, the Ombudsman advised Mr. O that it appeared he was given the opportunity to respond to the information relied upon by LAO and to present his views. It also appeared that there was evidence before LAO upon which it could base its decision that he was financially ineligible and that his application did not fall within the priority guidelines for criminal law coverage. Based on the circumstances of Mr. O's case, the Ombudsman determined that further investigation was unnecessary.

### Criminal Injuries Compensation Board

**Mr. T** complained about the Criminal Injuries Compensation Board's (CICB's) denial of nine requests to extend the time for making an application

for compensation. When the CICB files were reviewed during the Ombudsman's investigation, it was noted that police questionnaires had been sent out after denials were

issued, sent out and not returned or had not been sent out at all. The CICB advised that there is a new system in place within the CICB for handling such questionnaires. It was also noted that, in the case of two of the extension requests, Mr. T was asked to provide additional information but was not told how he might go about doing this. Further, although his representative did contact the CICB on two occasions about what action she was taking to get further information, the CICB denial letters to Mr. T indicated that a reason for the denials was that the CICB had not heard from him. The CICB decisions were issued before Mr. T was able to complete the information gathering process.

After the Ombudsman brought this information to the CICB's attention, it advised that Mr. T would be invited to re-apply on those two cases if he submitted the new information he eventually was able to obtain. The CICB subsequently advised the Ombudsman that its procedure with respect to extension requests would be amended to allow for reconsideration when new information becomes available.

*Dear Ombudsman...*

*Thank you from the bottom of my heart for your assistance/help and effectiveness.*

## Assessment Review Board

**Ms F** complained to the Ombudsman that the Assessment Review Board (the “ARB”) had not decreased the assessment of her cottage property. She also contended that she did not have an opportunity to review the evidence presented to the ARB by the Municipal Property Assessment Corporation (MPAC) until the day of the hearing and that the hearing was not recorded. Our investigation revealed that Ms F had the option of asking that the hearing be adjourned or of seeking an order requiring production of documents by MPAC. The Rules of Practice and Procedure address requests to record proceedings and the factors to be considered by the board in approving such requests.

Ms F had not requested that the hearing be recorded.

### *Dear Ombudsman...*

*Obviously the role of the Office of the Ontario Ombudsman has relevance for my students and is an important resource for them and the consumers they are working with in the counselling field.*

It appeared there was evidence to support the ARB’s decision that Ms F’s property had been treated fairly in its assessment and the ARB appeared to have followed the administrative procedures set out in its Rules of Practice and Procedure. However, Ms F notified the Ombudsman that she had no knowledge of the existence of the ARB’s Rules of Practice and Procedure.

A review of the ARB’s pamphlets indicated that while they include reference to the ARB’s website and a 1-800 number, there is no specific reference to the Rules of Practice and Procedure or that they are available on the website or through purchase from the ARB. As not all members of the public have easy access to computers and not all are comfortable using websites for research, the Ombudsman suggested that

when the ARB next amends its pamphlets, it include reference to the Rules of Practice and Procedure and their availability to the public. The ARB explained that the pamphlets translate the rules that apply most often to simple residential property assessment complaints into plain language and serve as a guide for homeowners preparing for ARB hearings. It noted that, while all of the rules apply to all ARB proceedings, many of the rules are only relevant to more complicated assessments that are most often handled by experienced tax agents or legal counsel. The ARB acknowledged, however, that it is important to ensure all parties, regardless of complaint type or level of knowledge, are informed that the Rules of Practice and Procedure, in their entirety, are the standard to which the ARB adheres. The ARB advised that it will include the information on the Rules of Practice and Procedure in the pamphlet titled “Preparing for Your Hearing at the ARB” to be revised in September 2003 in preparation for the 2004 taxation year complaints.

## Ministry of Citizenship

### Ontario Human Rights Commission

**Mr. B** began writing to our office in July 1998 about his concerns about the manner in which the Ontario Human Rights Commission handled his case and its decisions. We received more than 60 letters directly. As of January 2002 the OHRC had recorded 27 complaints for Mr. B. Mr. B also filed numerous complaints with the Trustee of Investigations about the conduct of the Commission’s staff relating to his initial complaints.

The Ombudsman noted that it appeared no matter the explanation provided or corrective action taken, Mr. B believed that the Commission was intent on depriving him of his human rights. Mr. B rejected information

and speculated about the Commission's influence, implicating other organizations and individuals. The Ombudsman was of the view that little would be achieved in examining many of Mr. B's concerns. While there had been some delays, administrative problems and procedural errors, these did not lead the Ombudsman to conclude that the Commission had failed to fulfill its responsibilities to a significant degree. The Ombudsman considered Mr. B's complaints to be vexatious and declined to investigate under s. 17(2)(b) of the *Ombudsman Act*.

## Ministry of Community, Family and Children's Services

### Family Responsibility Office

**Ms Z** complained to the Ombudsman because she had not received her support payments for two months and despite many attempts, she had been unable to reach the Family Responsibility Office (the FRO) by telephone to find out where her money was. Ombudsman Ontario staff contacted the FRO, which advised that it had tried unsuccessfully to deposit money directly into Ms Z's bank account. No one at the FRO had taken note of the problem and Ms Z's money was being held in suspense. As a result of the Ombudsman's enquiry, Ms Z's case was reviewed further by the FRO and the money was mailed to her the same day.

**Ms I** initially contacted the Ombudsman to complain that despite numerous calls and letters to the FRO, it had not enforced her Cost of Living Allowance clause ("COLA") for over five years nor explained why it would not enforce the COLA. The FRO informed Ombudsman Ontario staff that the reason it would not enforce the COLA was that there was a conflict

between the federal child support guidelines and the COLA. However, following Ombudsman Ontario's enquiry, the FRO did enforce the COLA in accordance with Ms I's court order.

Ms I later contacted the Ombudsman to complain that the FRO had once again decided not to enforce her COLA, this time as a result of a recent court order that eliminated support arrears, including the COLA. Ms I had requested that the FRO pay the COLA, despite the court order, on the basis that it was the FRO's negligence that led her to a point at which the COLA was eliminated in the new court order. At the time Ms I contacted Ombudsman Ontario, the FRO had not responded to Ms I's request for almost two months. As a result of Ombudsman Ontario's enquiries, the FRO decided to pay Ms I an amount equivalent to the COLA.

**Ms R** complained that the FRO had delayed over five months in registering her case and as a result, she feared she would not receive any monies owing to her from the support payor, who was expecting a major settlement from his employer. An Ombudsman Representative contacted the FRO to discuss the situation. As a result, the FRO issued an Initial Support Deduction Notice. Six weeks later \$39,000 was deposited into the recipient's bank account for arrears owing to her.

**Mr. S**, a long distance truck driver, spent extended periods of time traveling outside of Canada. Mr. S was unaware that the FRO had centralized its operations and continued to send support cheques to an old FRO address. In late 2001, he noticed that his cheques were not cashed promptly. He also received complaints from his two former spouses regarding the amount of support they were receiving. Mr. S was unsuccessful in reaching

the FRO by telephone and his letter to the FRO regarding the matter went unanswered.

Mr. S received notice from the FRO that he was in arrears and his driver's licence was suspended. He sold his truck to satisfy the arrears and his licence was reinstated. Mr. S's licence was later suspended for a second time as a result of arrears that had accumulated because he continued to send cheques to the FRO's old address. Mr. S contacted the Ombudsman concerned that he had no means of earning a living and his support arrears were mounting. Ombudsman Ontario staff contacted the FRO and requested that it review its accounts. It became apparent that Mr. S's accounts were current until the FRO moved to its centralized location.

For some months after the move, the government agency occupying the former address forwarded Mr. S's cheque to the FRO's new address in a timely manner. However, this soon changed. When the FRO did eventually receive Mr. S's cheques, redirected from the old address, they split the amount between the two support recipients, as both accounts were accruing arrears.

The FRO agreed to request reinstatement of Mr. S's licence and waive enforcement of the arrears until Mr. S has had an opportunity to regain employment.

**Mr. J** is a support payor whose support order was amended in July 2002 to provide for a total postponement of enforcement pending a further hearing. Mr. J stated that despite the postponement, the FRO sent a Support Deduction Notice to his income source to resume support deductions from his wages. Mr. J alleged that \$2500 had been inappropriately deducted from his income since August 1, 2002. As a result of intervention by Ombudsman staff, an urgent request was made to have the funds returned to Mr. J. A short time later Mr. J received the outstanding funds.

**Ms W** had not received support payments for two months. Ms W contacted the Ombudsman as she had been unable to contact the FRO by telephone and had not received a response to her fax enquiring as to the status of her support payments. An Ombudsman Representative contacted the FRO and was advised that the support payor had died the previous fall. A further review of the file indicated that the FRO had been contacted by a police officer, who was attempting to locate the support recipient in order to complete a death notification of next-of-kin. The FRO staff had refused to share this information with the support recipient. The Ombudsman provided Ms W with information to enable her to contact the police.

Ms W subsequently made beneficiary claims under a life insurance policy and the Canada Pension Plan. She advised the Ombudsman that other relatives of the support payor had initiated claims and that she might not have received the funds had she not learned of the death of the support payor. The Ombudsman later determined that the FRO policy requires that the FRO staff contact support recipients upon the death of a support payor. When this was brought to the FRO's attention, it took steps to remind its staff of this requirement. The FRO staff also apologized to Ms W.

**Mr. X** contacted the Ombudsman after being advised that he did not qualify for a bank loan because of an unsatisfactory credit rating. Mr. X later learned that the FRO had reported to a credit bureau that he was in default of his support obligations. Mr. X maintained that he did not owe support to the FRO and had never had any dealings with the court relating to support payments. The Ombudsman contacted the FRO and provided it with information regarding Mr. X's complaint. After reviewing its files, the FRO confirmed that Mr. X did not have a case registered with it and he had been

reported to the credit bureau in error. The FRO had the agency's record relating to Mr. X deleted.

**Mr. Y** is a male support recipient, who has full custody of his two children. He advised our office that for two years the support payments sent in by his former spouse had not been deposited in his account. The FRO had returned \$5,500 to the support payor in error, assuming that as she was female she was the recipient. When the FRO realised its error, it entered into a repayment agreement with the payor. Mr. Y did not find this acceptable and requested that the money be paid to him in a lump sum. The FRO refused stating that it had no money to make such a payment.

Following intervention by the Ombudsman, the FRO agreed to pay Mr. Y in full by direct deposit for the money they sent to the payor.

**Mr. Q**, a support payor, provided the FRO with eight post-dated cheques in accordance with instructions in the Guide for Support Payors. Despite this, the FRO sent a Support Deduction Notice to his income source requiring that it make deductions from his wages.

Mr. Q complained that the FRO was both cashing his post-dated cheques and processing deductions received from his income source. Mr. Q wrote to the FRO confirming that he would be putting stop-payments on the balance of the post-dated cheques starting on a specific date and requesting the return of his cheques. However, the FRO cashed Mr. Q's cheque and charged him an administration fee when it was not honoured by the bank. While the FRO acknowledged its error in cashing the cheque, it refused to waive the administration charge. As a result of an enquiry by an Ombudsman Representative, the FRO confirmed that the fee would be waived and Mr. Q's account would be adjusted accordingly.

**Mr. T** is a senior citizen who complained to the Ombudsman that the FRO inappropriately collected \$1,400 in lottery winnings and forwarded them to his former spouse (the recipient) after his support obligation had terminated. Mr. T's Member of Provincial Parliament was unable to persuade the FRO to return the money and the recipient refused to give the money back. An Ombudsman enquiry revealed that the FRO had received a new court order stating that all Mr. T's spousal arrears had been paid in full and withdrawing the case from the FRO. Rather than closing the case, the FRO sent a letter to the recipient to confirm her understanding of the intent of the order. The recipient never responded and the FRO did not terminate enforcement. The FRO confirmed that because the court order was clear it did not require any documentation from the recipient to close the case. As a result of the Ombudsman's intervention, the FRO agreed to reimburse Mr. T for the amount that had been forwarded to the recipient in error and to close Mr. T's file.

**Mr. K** explained that the FRO failed to remove a Federal Support Deduction Notice after he had paid his support arrears in full. Consequently, his income tax refund had been sent to the FRO. After an Ombudsman Representative contacted the FRO to discuss the situation, it immediately terminated the Federal Support Deduction Notice and arranged to have the funds returned to Mr. K.

*Dear Ombudsman...*

*This organization is not functioning properly and the government of Ontario needs to look into this. It is simply appalling. On the contrary, the Ombudsman of Ontario is a wonderfully well functioning office! Thank you!*

## *Dear Ombudsman...*

*I wish to thank you for all your efforts as I am certain I could not have made my voice heard nearly as well, were it not for your integral work and unbiased investigation. I also appreciate the unusual and most helpful prospect of a long-term negotiable repayment plan, and interest free too! I believe that you have presented my case well and as a result are responsible for the repayment plan being suggested for my benefit. Thank you again for being prompt and courteous and a pleasure to work with.*

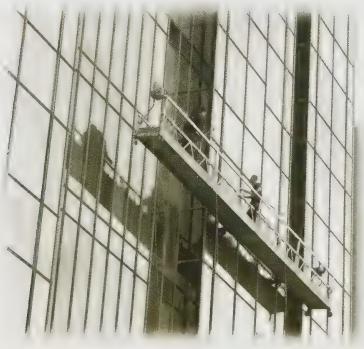
**Mr. L** contacted our office complaining that he was denied a loan on the basis that a credit check had revealed he had outstanding support payment debts. Mr. L advised our office that he had accrued support arrears years ago because of the length of time that it had taken the FRO to open its file. The FRO had reported the arrears to a credit bureau. However, Mr. L stated that he had satisfied his arrears in 1997. Mr. L indicated that although he had tried on many occasions to contact the FRO to discuss the situation, he was unable to get through to it by phone. As a result of an enquiry by Ombudsman Ontario staff, the FRO sent a deletion notice to the credit bureau.

**Ms M** is a single parent who had not received any support payments since December 2001. She first contacted our office about this problem in August 2002. Ms M advised that she had provided the FRO with the information necessary to garnish the support payor's income source. She contended that the FRO had not done anything and was allowing the payor's arrears to build up. As a result of enquiries by Ombudsman staff, Ms M's file was reviewed and the FRO sent a Support Deduction Notice to the payor's income source. When Ms M was unable to obtain information about the status of her case, Ombudsman staff again contacted the FRO, which advised that a cheque had been received from the income source.

## **Ontario Disability Support Program**

**Ms X** attended an intake clinic hosted by an Ombudsman Representative. Ms X explained that she was receiving benefits from the Ontario Disability Support Program (ODSP). She had experienced extreme financial hardship and the bank was foreclosing on her home. She contacted ODSP, who advised her that until she moved into a less expensive residence, she was ineligible for assistance.

Ms X subsequently found a less expensive residence. She submitted an application for Community Start-Up Allowance to assist with her moving expenses. After a period of two weeks the ODSP had still not reviewed the application. Ms X noted that she needed to sign a new lease and be out of her current residence by the end of the week. As a result of the Ombudsman Representative's enquiries, Ms X's application was processed and approved within two days and arrangements were made for her to pick up a cheque for her moving expenses.



## A service agency contacted Ombudsman

Ontario on behalf of Ms E, whose Ontario Disability Support Program (ODSP) benefits had been terminated. The service agency advised that given the condition of Ms E's mental health, she was unable to comprehend the importance of receiving a monthly ODSP allowance. She also did not cooperate with ODSP staff when they set up appointments to meet with her. The service agency attempted to deal with the Ministry on Ms E's behalf but the Ministry refused to deal with the agency, on the basis that it was a third party. The agency informed our office that it might not be able to provide Ms E with board and lodging if she continued to have no income. Ms E had not paid her bills since her benefits were terminated. Ombudsman Ontario conducted an informal enquiry into this matter on its own motion. Ombudsman Ontario staff enquired into Ms E's case and asked the Ministry whether it had considered appointing a trustee to receive Ms E's ODSP benefits. As a result of our enquiry, the Ministry decided to reinstate Ms E's benefits in the amount of \$11,328.00 and appointed the service agency as trustee.

## Mr. A is a person with

a disability who contacted the Ombudsman regarding his debt to the ODSP. He explained that he had received a retroactive payment of \$17,000 from Canada Pension Plan Disability in 1994 and had neglected to reimburse ODSP for his duplicated benefits. When

he revealed how he spent the \$17,000, ODSP determined that \$13,000 should have been reimbursed to the ODSP for past benefits. In addition, the ODSP found that \$10,000 was inadequately disposed of according to their guidelines and Mr. A was assessed an additional debt of \$10,000. As a consequence, a debt of \$23,000 was being deducted from Mr. A's ODSP benefits. An Ombudsman Representative contacted the ODSP and was advised that while \$13,000 was required to reimburse the ODSP for the overpayment of benefits, the \$10,000 debt was

## Dear Ombudsman...

*Thank you so much for helping, because without you this would be impossible. May God continue to give you strength and perseverance each day so that you continue to help others.*



## *Dear **Mr. Ombudsman...***

*After having contacted you and shared my problem, I received some answers from you within 24 hours of our telephone conversation. Thank you also for having sent me the information brochures. I am very pleased to inform you that as of August 2002, I started receiving support again and in the amounts you had mentioned to me. The money came in just in time for the school start up. I must say that I was very impressed with your prompt service, your professionalism and the dedication you brought to my complaint.*

was unfair. An Ombudsman Representative contacted the Ministry and spoke to a supervisor. Consequently, the supervisor reviewed the file again and the money that had been deducted was returned to Ms D.

to reflect the future use Mr. A would have had of the money had he spent it in a way the ODSP found appropriate. The Ombudsman Representative questioned the ODSP's authority to deduct the \$10,000 from Mr. A's benefits. Upon further consideration of the matter, the ODSP cancelled the \$10,000 debt and applied the \$4,484 already recovered for inadequate disposition to the benefit overpayment.

**Ms D**'s children live with her for one month during the summer. As a result of this arrangement, the Ministry advised her that half of the amount her former spouse was receiving for the Canada Child Tax Benefit would be deducted from her ODSP cheque. Ms D complained to the Ombudsman that this

## **Ministry of Consumer and Business Services**

### **Office of the Registrar General**

**Mr. N** contacted our office and explained that his family was planning to leave the country in two days and he was having problems getting a birth certificate for his one-year-old daughter. Mr. N explained that the previous month he had attended a local Land Registry Office to obtain a birth certificate on a 24-hour-basis and was advised to come back in a week as the computer was down. Mr. N returned to the office two weeks later and was advised that the computers were still not working. However, he was assured that the computers would be functional later that day. The office eventually took Mr. N's application and processing fee and advised him to return within 24 hours for the birth certificate. When Mr. N returned, he was advised that the office was still unable to process the application since the computers were not functioning.

The Ombudsman Representative contacted the Registrar General's office to discuss this matter. The Registrar General's office explained that there were problems with Land Registry Offices issuing birth certificates. The computers had been shut down some time prior to Mr. N's attempt to obtain a birth certificate. The Registrar General had decided to shut down the computers indefinitely while it re-evaluated the 24-hour service. As a result of the Ombudsman Representative's efforts and the cooperation of the Registrar General's office, the Registrar General agreed to process Mr. N's application immediately, if he forwarded a new application. Mr. N obtained the birth certificate in time for his trip. The Registrar General's office also advised that it would follow up with all the

Land Registry Offices to ensure the public was notified that for the time being these offices could not provide birth certificates within 24 hours.

## Ministry of Energy, Science and Technology

### Hydro One Networks Inc. (Hydro One)

**Mr. U**, a senior citizen and a retired farmer, earns a living by renting his farming properties to tenants. Hydro One required that he pay a security deposit of \$700 to transfer a hydro line at an unoccupied property into his name. Mr. U complained that this amount was excessive and that in the past he had paid \$20 for this service. Hydro One explained that the increase was based on the consumption of the previous occupant. Mr. U stated that Hydro One should take into consideration his good record over 40 years. As a result of an informal enquiry by an Ombudsman Representative, Hydro One agreed to rescind the security deposit and issued a cheque to Mr. U.

**Ms V** complained that she was having billing problems with Hydro One. Ms V had purchased a new home and was in the process of selling her old home. Hydro One was billing Ms V based on estimated usage but there was no one living at home and there had been no hydro usage over 7 months. Ms V's attempts to have Hydro One conduct regular meter readings and issue bills based on actual usage were unsuccessful. As a result of an enquiry by Ombudsman Ontario staff, Hydro One adjusted Ms V's bills, provided her with a credit and made arrangements to check the meter at the vacant home.

## Ministry of Finance

### Ontario Securities Commission

**Ms D**, a 70-year old woman, advised that in August 2000, she and her late husband filed a complaint with the Ontario Securities Commission regarding their insurance company. She complained to the Ombudsman that the Commission refused to provide her with information about the status of her complaint.

Initially, Ombudsman staff was advised that once the Commission sends a letter of confirmation to a complainant, no other communication occurs. A Supervisor at the Commission later indicated that this information was incorrect. The Commission indicated it would inform staff that complainants are to be provided with updates as required and sent closing letters with an explanation of the outcome. The

Commission confirmed that a letter had recently been sent to Ms D outlining the outcome of the initial review of her complaint and providing a referral. The Commission also advised that a staff member would contact Ms D to provide her with further information. Ms D was grateful that the Ombudsman's efforts provided her with a contact at the Commission who would answer her questions.

*Dear Ombudsman...*

*The students are extremely diverse, in terms of age, education, and the challenges they face; you and your colleague did an excellent job of engaging them, maintaining their interest, and stimulating a helpful group discussion. Your attitude of respect and acceptance contributed to a positive learning environment.*

## Ministry of Health and Long-Term Care

### Assistive Devices Program

**Ms E** complained that the Ministry of Health and Long-Term Care was unreasonable in refusing to provide financial assistance under the Assistive Devices Program (ADP) for the replacement of her bone-anchored hearing aid (BAHA). She advised that the BAHA kept her ears free of infection and pain. When the device was damaged in a fall, she was informed that she would need to replace it at a cost of \$4,500. She said that as a single parent she could not afford this cost. Although financial assistance was available under the ADP for replacement of other hearing devices, it was not available for BAHAs. Ms E contended that the ADP should provide financial assistance to replace the device, as it provides her with better hearing, enables her to live independently and minimizes her visits to specialists for infections.

In response to the Ombudsman's notice of intent to investigate Ms E's complaint, the Ministry advised that it intended to review BAHAs for potential coverage under the ADP. The Ministry further advised that a Medical Advisory Committee of the Ministry had prepared a report to present in late June 2002 which would assess whether new funding should be made available for BAHAs and that the matter would be considered at various stages of the internal approval process. The Ministry undertook to keep the Ombudsman updated of the status of its review. Under the circumstances, the Ombudsman determined to monitor this process. Our office was later advised that effective February 1, 2003, the ADP will provide funding toward the replacement of the external sound processor component of the BAHA.

## Consent and Capacity Board

**The Ombudsman** investigated, on his own motion, concerns regarding the tone and content of a Consent and Capacity Board decision. The Consent and Capacity Board conducts hearings under the *Mental Health Act*, the *Health Care Consent Act, 1996*, the *Substitute Decisions Act, 1992* and the *Long-Term Care Act, 1994*. In the course of the investigation, the Ombudsman considered the Board's policies and procedures relating to decision writing, performance management and complaints resolution. The Board supported its decision. However, it noted that significant adverse findings regarding a physician's conduct had been made, although he was neither a party to the proceedings nor present to respond to the issues. The Board acknowledged this was unacceptable and indicated the steps that had been taken to address this. The Board also outlined steps it had taken and would take in future to further train Board members in the art of decision writing and deliberations. The Board advised that a draft complaint procedure had been prepared and its practice is to refer certain matters to outside counsel for investigation. The Ombudsman was satisfied with the Board's response.

## Ontario Health Insurance Plan

**Mr. P** complained to the Ombudsman that he was having difficulty replacing his Ontario Health Insurance Plan (OHIP) card. Mr. P claimed that the local OHIP office refused to accept his birth certificate as identification, because it was on a piece of paper rather than wallet-sized. He also claimed the Ministry of Health and Long-Term Care had refused to accept other identification as proof of his identity. Within minutes of Ombudsman staff contacting the Ministry of Health and Long-Term Care, the Ministry informed Mr. P

that it would make arrangements with the local office for him to receive a new card. An appointment was made for Mr. P to attend the local office the next day for that purpose.

### Ontario Hepatitis C Assistance Plan

**Mr. L** approached our office because he was concerned that a dispute between the Ontario Hepatitis C Assistance Plan (OHCAP) and the OHCAP Review Committee was contributing to the two-year delay in having a decision made on his file. An Ombudsman Representative confirmed that the Review Committee was asking the OHCAP to request a blood trace-back from Canadian Blood Services (CBS) before it would render its decision. The OHCAP advised that it was not complying with this request because of a CBS policy not to conduct blood trace-backs post diagnosis. However, as a result of the Ombudsman Representative's enquiry, the OHCAP wrote to CBS requesting the trace-back and agreed to provide the CBS response to the Review Committee so that it could reach a decision in the case.

### Ministry of Labour

#### Workplace Safety and Insurance Board

**Mr. O** contacted the Ombudsman to complain about the Workplace Safety and Insurance Board's (WSIB's) delay in making a decision regarding his claim for compensation.

Mr. O stated that he had been leaving messages for his WSIB adjudicator, who was not returning his calls. Mr. O stated the WSIB had lost several of the documents he had sent, including his doctor's report. He stated he had spoken to a manager who had informed him that

his claim was rejected because there was no employer's report and no doctor's report. Mr. O insisted he had provided the doctor's report and his doctor confirmed that WSIB had already paid for the report.

Mr. O stated he had a \$400 physiotherapy bill that needed to be paid and he required more physiotherapy for his injury to heal properly. Mr. O agreed to provide WSIB with another doctor's report. However, Mr. O subsequently called our office stating that after he submitted a second doctor's report, he was unable to reach his adjudicator to obtain an update on his file. Shortly after Ombudsman staff contacted the adjudicator, Mr. O's claim for physiotherapy as well as one day's pay for lost time was allowed.

**Ms L**, a senior, whose husband died in 2001 from a work-related occupational disease, filed a claim with the WSIB in March 2001. Ms L advised our office that the WSIB had not returned her numerous calls over a period of many months. Ms L stated she was suffering financial hardship and was anxious to know whether the WSIB would be providing her with any assistance. As a result of Ombudsman enquiries, the adjudicator responded to Ms L. In addition, soon after Ombudsman staff discussed the issue with the adjudicator's manager, Ms L's claim

*Dear Ombudsman...*

*Thank you for once again speaking with our Union Counselling Training participants. The feedback I received from them is an unanimous thumbs up! Everyone agrees the information is very valuable and relevant to their role.*

## Ministry of Public Safety and Security

### Correctional Services

**Mr. M**, an inmate, complained to the Ombudsman that he had unfairly received internal discipline and been placed in confinement while at a correctional facility. Mr. M had received an institutional “misconduct” charge for gross insult. The charge was based on an anonymous letter containing derogatory comments about a correctional officer. Mr. M denied writing the letter. Mr. M was initially required to spend 30 days in segregated confinement as discipline. However, his confinement was reduced significantly as a result of an internal appeal. Ombudsman Ontario’s investigation revealed that it was highly unlikely that Mr. M would have had access to the room where the letter was found during the time period that it was placed there. Correctional staff considered him to have been the author after reviewing handwriting from a small selection of a large group of inmates and determining that Mr. M’s handwriting was similar to the writing in the anonymous letter. Ombudsman Ontario consulted a forensic document examiner and forgery analyst, who reviewed the anonymous letter and samples of Mr. M’s writing. The analyst provided the opinion that it was highly probable that Mr. M had not written the anonymous letter. This information was shared with the Ministry, which decided to withdraw the original misconduct charge and adjust Mr. M’s institutional record accordingly. The Ministry has also agreed to discuss the general issue of investigations of inmate misconducts with the Ombudsman.

**The Ombudsman** received a number of complaints from inmates at a correctional facility regarding the temperature and quality of food served there. The menu at the facility was consistent with the Ministry of Public Safety and Security’s menu guideline for content and portions. However, during the investigation, it was found that the temperature of the meals when delivered to the inmates contravened the regulations made under the *Health Protection and Promotion Act*. As a result of our investigation, the facility revised its meal delivery schedule to shorten the time between loading the meal carts and delivering the meals to the inmates. While complaints regarding food at this facility initially declined, we later received further complaints. As a result of further interviews, Ombudsman Ontario staff determined that correctional staff were not complying with the facility’s new meal delivery schedule. The facility indicated that it would develop an operational standard to deal with inmate complaints about food and would take steps to ensure compliance with the new schedule. Our office continues to monitor the meal service at the facility.

**Mr. H**, an inmate at a correctional facility, complained that he was unfairly accused of damaging the mortar surrounding a windowpane in his cell and had lost ten days of earned remission. An investigation revealed that the facility did not have documentation confirming that Mr. H’s cell was searched for damage prior to his placement or upon his removal. It was also determined that there had been five other inmates who had occupied the cell before Mr. H and who could have damaged the windowpane. As a result of our investigation, the facility removed the record of Mr. H’s misconduct from his institutional file.

**As a result** of a medical emergency, Mr. F, an inmate, was taken to a community hospital. Because of the nature of his injury Mr. F was not wearing his denture at the time. When Mr. F returned to the facility five days later, his denture could not be located. Mr. F was without his denture for many months. One staff person recorded that Mr. F's cell possessions were removed from his cell, but did not record where he had placed those possessions. After Ombudsman staff contacted the facility and the Ministry and explained Mr. F's circumstances, the Ministry approved the cost of replacing his denture.

**Mr. N**, an inmate, complained that his property was lost upon transfer between correctional facilities. Mr. N claimed that when he left the first facility, he was required to sign a Personal Property Declaration form, even though correctional officers would not allow him to review the contents of his personal property before signing. When his property bags were opened by the receiving facility, after the transfer, a wedding ring, inhalers and a belt were missing. The Ombudsman's investigation revealed that although the missing items were listed on the transferring facility's forms, they were not listed on the receiving facilities documents. As a result of the investigation, the facility agreed to compensate Mr. N for the lost wedding ring for which Mr. N provided a purchase receipt. Mr. N was also provided with replacement inhalers. He was not concerned about replacing his belt. The transferring facility also undertook to implement a series of initiatives to address the issue of missing inmate property. The facility will soon have two officers assigned with the task of ensuring that all inmate property is accurately recorded, access to the property room and

its keys will be restricted, random spot checks will be conducted to ensure the accuracy of records and the Admissions and Discharge Area will be overseen by a senior staff member.

**Mr. Z** was transferred from a police station to a correctional facility. Upon his release, Mr. Z discovered that his diamond earring was missing. The facility advised that no earring was listed on his property sheet. The Ombudsman's investigation revealed that the police had videotaped Mr. Z transferring his possessions, including an earring, into a police property bag and that the bag had been given to the correctional facility. The earring was listed on the police property sheet but not on the correctional facility's property sheet. The correctional facility's property sheet also contained an error regarding the number of Mr. Z's rings in its possession. The correctional facility took the position that it had no liability, as Mr. Z had signed for his property upon admission and discharge and the list did not include reference to an earring.

The Ombudsman found that the correctional facility's staff regularly signed for property being transferred to them from the police, without verifying the contents against the police list. When the Ombudsman's investigator informed the Ministry of Public Safety and Security of Mr. Z's case, it advised that since correctional staff signed for the earring, without verification, the facility was liable. The facility subsequently sent Mr. Z a money order for \$199.50. The Ministry has subsequently revised its policy regarding Accepting Property Delivered by Police.

**A young offender** complained that an item of his personal property was lost after he was transferred between facilities. He explained to Ombudsman staff that he had placed his initials, as requested, on the property forms beside those items he did receive but had not placed his initials beside the missing item. An Ombudsman Representative contacted the responsible facility, which indicated that an occurrence report should have been completed in accordance with policy. It also appeared that the facility's practice with respect to identifying missing items was inconsistent. The facility advised that it would complete the necessary paperwork for reimbursement. The young offender was later reimbursed \$50 for the missing item.

**Mr. J** was an inmate at a correctional facility who contacted the Ombudsman indicating that his glasses had been broken and there had been a delay in getting them replaced. Ombudsman staff contacted the facility and were informed that it could not send Mr. J out to get his eyes tested because of the labour disruption. The inmate had still not been referred for testing when he was released three months later. The facility confirmed that Mr. J would have had his glasses replaced and a portion of the cost reimbursed under ordinary circumstances. Accordingly, the facility agreed to reimburse Mr. J, after his release, 50 percent of the replacement cost of his glasses upon presentation of a receipt.

**Mr. I** had been transferred from a provincial to a federal correctional facility. He complained to our office that his property was not transferred with him. Ombudsman staff contacted the facility, which confirmed that the property had remained in Toronto. The facility explained this was caused by the labour disruption, which had ended approximately two months before. As a result of the Ombudsman's intervention, Mr. I's property was returned to him.

**Mr. K**, an inmate in a correctional facility, complained that, although a judge had ordered that he participate in an alcohol and drug treatment program as part of his sentencing, he had not been provided with access to such a program. An Ombudsman Representative enquired into the matter. He was informed that Mr. K was not considered suitable for a group program, as he had some severe behavioural problems and was not cooperative in a group environment. The facility indicated that Mr. K would be transferred to another facility. As a result of the Ombudsman Representative's intervention, the facility arranged for Mr. K to have an individual alcohol program for the remainder of his stay at the facility.

**Mr. S**, a former inmate at Ontario's privatized correctional centre, complained that he had not been able to resolve an outstanding canteen issue. Mr. S stated that because of problems with canteen distribution his account was debited for \$44.73 worth of items that he had never purchased or received. Our office contacted the facility, which indicated that the matter was currently under internal investigation and that the canteen supplier had been at fault. After a number of telephone calls from our office to the facility, the matter was resolved and Mr. S was issued a cheque.

**Mr. P**, an inmate at Ontario's privatized correctional centre, complained that after he traded his running shoes with another inmate, the facility took the shoes away because they were not documented on his personal property declaration form. Mr. P was left to wear his shower slippers, which did not provide him with any support. After an Ombudsman Representative contacted the facility, it inspected the shoes and returned them to Mr. P.

**Mr. V** wrote to our office complaining that a correctional facility had denied him an HIV/AIDS test based on the fact that it was too expensive and would require that he be escorted to the hospital. The facility advised Ombudsman staff that the test would not be provided unless the inmate showed symptomatic signs of a communicable disease. The Ombudsman's review of Ministry policy indicated that voluntary testing for communicable disease is to be made available when clinically indicated or requested. Accordingly, our office contacted the Senior Medical Consultant and informed him of the matter. The Senior Medical Consultant confirmed that Mr. V should be permitted access to the test. Further discussion between the facility and the Senior Medical Consultant resulted in Mr. V being tested for HIV/AIDS.

**Mr. Q** is a 70-year-old inmate, who has represented himself in many court proceedings. Mr. Q complained that a correctional facility had not provided him with several legal textbooks and dictionaries that he had ordered to assist him in his pending court proceedings. Mr. Q advised that he had submitted numerous inmate request forms over a two-and-a-half month period in an attempt to obtain the legal material. The facility advised our office that the material was being withheld because it posed a potential security risk. Ombudsman

Ontario staff referred the facility to the Ministry's policy guidelines, which specify that legal books and documents for the preparation of cases for unrepresented accused must be delivered to the inmate within two working days from the time they are received by the facility. As a result of Ombudsman Ontario's intervention, one day later the facility released the legal material to Mr. Q.

**Mr. N** complained that he was in segregation for over a week and only received one shower, was denied the opportunity to go into the facility's yard for fresh air and the privilege of using the telephone. He also claimed that prescription medication was withheld from him and that despite his medical condition, his mattress was removed during the day. The Ombudsman's investigation revealed deficiencies in record-keeping, which impeded our ability to fully assess the merits of Mr. N's complaints. There were inconsistencies and errors in the documentation. The Ombudsman suggested to the facility that it take action to correct and improve record-keeping. As a result of the Ombudsman's investigation, the facility provided written direction to all operational managers and deputy superintendents to ensure compliance with record-keeping requirements. The facility has also revised its daily segregation observation reports to include specific reference to access to the showers and the yard.

**Mr. B**, an inmate at a correctional facility, complained that he had not received his canteen order but that his account was debited for the items he had ordered. Ombudsman staff enquired into the matter. The facility indicated that the items had been signed for but Mr. B alleged that someone else had signed for them. Correctional staff confirmed that Mr. B had reported that he had not received his canteen items at the time

they were distributed. There were no records to confirm whether the private canteen provider had returned after lunch to continue canteen distribution. The facility could not prove who had signed for the items and there was no internal operational standard directing facility staff as to appropriate canteen distribution practices. As a result of the Ombudsman's intervention, the facility decided to compensate Mr. B for the funds debited from his account and is currently developing an operational standard to address canteen distribution. The private canteen company subsequently developed a written policy instructing the company's employees how to verify inmate identifications when distributing canteen orders.

**Mr. D**, an inmate at a correctional centre, called the Ombudsman to explain he had been advised that he would be moved to a regular range from a segregation unit, once he signed a behavioural contract. However,

after signing the contract he was placed in a transfer cell. These cells are used to hold inmates who are waiting for a transfer to other facilities and, as a result, there is constant inmate movement. Mr. D was concerned because he did not want to be transferred to another institution. He was having difficulty sleeping in the transfer cell because it was noisy and there was constant disruption. He said that he had tried unsuccessfully to obtain information from correctional staff as to why he was being held in a transfer cell.

*Dear Ombudsman...*

*You helped me to get some dental work done... the same day you made the phone call, they took me down to the dentist. I really appreciate all your work and it's really terrific that guys like me who find themselves in a situation of this nature, being in jail and for the first time, have someplace to call...*

An Ombudsman Representative contacted the Deputy Superintendent at the centre. The Deputy Superintendent was unaware that Mr. D was in a transfer cell and said that he would review the situation. He called back and explained that the correctional staff had placed Mr. D in a transfer cell in error. As a result of the Ombudsman's enquiry, Mr. D was immediately moved to a regular range.

**Mr. U**, an inmate at a correctional facility, contacted the Ombudsman, as he was concerned about obtaining a temporary absence pass to attend a medical appointment. When an Ombudsman Representative enquired with the Health Care Coordinator about the appointment, she was advised that it had already taken place. Mr. U denied this. Further questioning revealed that while inmates may be on the list to attend medical appointments, there may be circumstances when appointments are missed. The Health Care Unit is not always informed of missed appointments. As a result of the Ombudsman's intervention, the facility agreed to make another appointment for Mr. U. It also implemented procedures to ensure that escort staff are available for medical appointments and that the Health Care Unit is advised of any instances when inmates do not attend scheduled appointments.

**Mr. Y**, an inmate at the privately operated correctional facility, contacted the Ombudsman regarding the failure of the facility to provide him with eyeglasses. Mr. Y was legally blind in one eye and did not have perfect vision in the other. The Health Care Coordinator at the facility advised an Ombudsman Representative that Mr. Y's request for eyeglasses had been denied because there was insufficient time to process the request, given the length of time remaining for him to serve his sentence. The Ombudsman Representative spoke with the

Facility Administrator, who agreed that the Health Care Coordinator had not applied policy correctly. The Administrator advised the Health Care Coordinator that the calculation of time for the purpose of determining whether eyeglasses will be provided is based on the date of the warrant of committal and not on the date the Health Care Coordinator receives the request. The facility arranged for Mr. Y to be seen by an optometrist and optician.

## Ministry of Training, Colleges and Universities

### Ontario Student Assistance Program

**Ms R** contacted the Ombudsman complaining that she had been trying for two years to resolve an issue involving misapplied Ontario Student Assistance Program (OSAP) loan payments. Ms R said that five of her loan payments had been misapplied or lost. Her file had been registered as being in default and she was reported to a credit bureau and collection agency. Ms R had copies of cancelled cheques confirming her payments. Ombudsman staff contacted the Ministry of Training, Colleges and Universities with this information. The Ministry immediately reviewed its files, located the payments, purged the record from the collection agency and notified the credit bureau to delete its record of the debt.

**Mr. W** complained to the Ombudsman that he was not provided with information concerning the effect his transferring from a University to a Community College would have on his Ontario Student Assistance Program (OSAP) loan. Mr. W claimed that the College advised him that he would be entitled to study grants in the second semester. However, when he went to claim these, he was told that his OSAP loan had been

reassessed. He was denied the study grant and informed that his OSAP loan had been overpaid. After he complained, he was told that eligibility levels differ for Colleges and Universities and his transfer to a College had resulted in the overpayment. After an Ombudsman Representative enquired, the Financial Aid Office at the College reviewed Mr. W's case again. It determined that some of his costs had changed and filed an appeal on his behalf. As a result, Mr. W obtained two study grants.

**Mr. L**, a third year college student, complained to the Ombudsman that the Ministry of Training, Colleges and Universities had determined that he was ineligible for an Ontario Student Assistance Program (OSAP) loan for the current academic session and had reassessed his student loans for prior academic sessions. Mr. L was a landed immigrant, having arrived in Canada in September 1999. The Ministry notified Mr. L in 2002 that he was ineligible for the loan he had received in 2000, because he had not met the one-year residency requirement. He was also told that his loans for 2001 and 2002 had been reassessed, because an overpayment had been created and he would be ineligible for future loans until it was satisfied. The Ministry said Mr. L owed \$12,643 and would not receive any new funding until that amount was paid in full. Mr. L was unable to complete his degree without OSAP funding. Ombudsman staff contacted the Ministry which confirmed that a student must physically reside in Ontario for 12 consecutive months to be eligible for OSAP funding. The date used is the date of landing and it must be one year prior to the start date of the course. The college acknowledged that it had used the wrong date when initially determining Mr. L's eligibility for student loans. As a result of the Ombudsman's intervention, the Ministry admitted that

incorrect information had been provided to Mr. L by the college and it reversed its decision. Mr. L's funding was reinstated for the current session, allowing him to complete his course. The Ministry also agreed that Mr. L's spouse was in the same situation and applied the same ruling to her situation.

## Ministry of Transportation

**Ms S** contacted the Ombudsman and advised that when she moved back to Ontario from British Columbia the Ministry failed to indicate that she had an M Class licence for driving motorcycles. The Ministry had advised her that it would add this information to her driver's licence but provided no definitive time frame as to when this correction would be made to her record. Ms S was anxious to have the change made quickly, as without it she would be charged excessive insurance premiums. An Ombudsman Representative contacted the Ministry and was advised that the required adjustment had to be done manually and the Ministry could not confirm when this would occur. However, the Ministry indicated that Ms S should have been issued a 90-day temporary driver's licence in the interim. The Ombudsman Representative was successful in arranging for Ms S to attend at a Ministry office to obtain the necessary temporary driver's licence.

**Mr. G** contacted our office about the Ministry's delay in responding to a request for an extension of time on his driver's licence renewal. Mr. G lives in a remote location where road testing is not done in the winter months. His licence was due for renewal at the end of

July 2002 but when he contacted the Ministry to book an appointment for a road test, he was told the first available appointment was in January 2003 and at a location Mr. G would have to fly to. He wrote to the Ministry to request an extension of his driver's licence until the ice had melted and the roads were passable. Mr. G did not hear from the Ministry and concerned that his licence would expire, he complained to the Ombudsman. An Ombudsman Representative contacted the Ministry to discuss the situation. The Ministry agreed that because of Mr. G's remote location, his driver's licence would be extended for six months.

**Mr. V**'s Ontario driver's licence was suspended for impaired driving. It was reinstated in February 1999 on the basis of a medical report required by the Ministry. Mr. V subsequently moved to Alberta. In May 2002 Mr. V returned to Ontario and obtained a driver's licence. However, the Ministry later suspended his licence, claiming it had never received a medical report in 1999. Mr. V is a truck driver and he cannot work without his licence. Mr. V's Member of Provincial Parliament was not successful in his attempt to resolve the matter. When Ombudsman staff contacted the Ministry, the Ministry was unable to explain why it would have reinstated Mr. V's licence in 1999 and again in 2002, if it had not received the required medical report. Mr. V was able to provide a copy of the report to the Ministry as well as proof that it was sent in February 1999. Following the Ombudsman's intervention, the Ministry agreed that given its own poor record-keeping and follow-up, it would reinstate Mr. V's licence.

# Ombudsman Ontario Staff List: March 31, 2003

## Ombudsman

Clare Lewis, Q.C.

## Administrative Assistant

Carolyn Braunlich

## LEGAL SERVICES

### Senior Counsel

Laura Pettigrew

Wendy Ray

### Legal Advisor

Tamara Hauerstock

### Analyst/Investigator

Lorraine Boucher

### Research Assistant

Sherrie Nicholson

## COMPLAINT SERVICES

### Director

Lenna Bradburn

### Administrative Secretary

Denise Salmon

## ACCESS CENTRE

### Manager

Sue Haslam

### Supervisor

Eva Kalisz

Marie-Claire Muamba  
(Acting)

### Administrative Secretary

Kamala Kirushna

### Access Representatives

Monique Bokya-Mboyo  
Zalina Deodat  
Muktar Houssein  
Eddie Kabasele  
Anne Sophie Leduc  
Johanne Safar  
Michelle Touchette

## GENERALIST TEAM

### Manager

Sue Haslam

### Team Leader

Tim Arkell

### Administrative Secretary

Kamala Kirushna

### Ombudsman Representatives

Michelle Amaral

Danielle Barbeau-Rodrigue

Alphonse Barklage

Pierre Belanger

Robin Bosworth

Lira Buschman

Joane De Varennes

Hannahlie Ethier

Micheline Gagné

Pauline Gignac

Diane Hall

Roch McLean

Marie-Claire Muamba

Amita Shunglu

Laura Spiers

Pam Young

## INVESTIGATIONS TEAM

### Manager

Duncan Newport

### Team Leader

Millicent Dixon

James Nicholas (Acting)

### Administrative Secretary

Betty Baker

### Investigators

Kwame Addo

Irene Buncel

Winsome Cain

Gerry Carlino

Rosie Dear

Mary Jane Fenton

Anita Glasier

Anne Hart

Barbara Hirst

Kathy Penfold

Marilda Presner

Elizabeth Weston

Barbara Worthington

## CORRECTIONS TEAM

### Manager

Sue Seto

### Team Leaders

Mary Elizabeth Nugent

Cathy Rea

### Corrections Clerk

Lourdes Legardo

### Ombudsman Representatives

Garvin Defour

Chakib El Hakmaoui

Sharon Fowler

Claire Giroux

Esla Hutchinson

George La Rosa

Nicole LeBlanc

Lourine Lucas

Beena Rajendra

Gabriella Trotta

## CORPORATE SERVICES

### Director

Peter Allen

### Administrative Secretary

Susan Mason

## FINANCE & ADMINISTRATION

### Manager

John Allan

### Administrative Assistant

Dora Gimenez-Dixon

### Accounting Analyst

Judith Lee

### Client Services Representative

Wolfgang Schulz

### Word Processing Operators

Maureen Bourne

Jackie Holmes

## INFORMATION SYSTEMS

### Manager

John Allan

### Programmer Analysts

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Judith Klie

## HUMAN RESOURCES

### Staff Services Supervisor

Joyce Leonard

### Administrative Secretary

Grace Domingo



## *Mission Statement*

“Working to ensure fair and accountable provincial government service”

## *Our Values*

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

*Fairness: treating everyone in a reasonable, equitable, and impartial manner*

*Accountability: providing quality services, taking responsibility, evaluating and improving through innovation*

*Integrity: demonstrating transparent, honest and ethical practices*

*Respect: understanding individual differences and valuing diversity*

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This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.







OMBUDSMAN ONTARIO

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# OMBUDSMAN ONTARIO



2003-2004 Annual Report

*Working to ensure fair and accountable  
provincial government service*



# OMBUDSMAN ONTARIO

June 17, 2004

The Honourable Alvin Curling  
Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2003 to March 31, 2004, as well as an Addendum to my Annual Report pursuant to Section 11 of the *Ombudsman Act* so that you may table them before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.  
Ombudsman

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## Contents

Ombudsman's Message	2
Significant Cases	10
Year in Review	26
Complaints	36
Statistical Charts	46
Case Stories	54
Staff List	89

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Clare Lewis, Q.C.

# Ombudsman Ontario: Working to ensure fair and accountable provincial government service

"I believe it is incumbent on an Ombudsman to exercise the own motion authority in appropriate circumstances, to investigate issues affecting patients in psychiatric hospitals, seniors, children with disabilities and others who may not be able to voice their concerns or whose voices often go unheard."

*Clare Lewis, Q.C.  
Ombudsman of Ontario*



# Ombudsman's Message



Clare Lewis

I am now serving in my final year as Ombudsman of Ontario. Reflecting on the past four and one-half years, I believe that my office has been through a process of positive change both structurally and culturally.

Since assuming office, I have encouraged strategic and efficient use of our resources to ensure maximum effect. One approach I have adopted to this end, is to raise issues directly with the responsible Minister rather than engage in formal investigation, which can be extremely resource and time consuming. I believe this method is particularly appropriate when my concerns are focused primarily on legislative, policy or program content rather than on government administration. In November 2003, I wrote to the Minister of Municipal Affairs (now Municipal Affairs and Housing) noting I had received numerous complaints from and on behalf of tenants about the *Tenant Protection Act, 1997* and expressing my concerns about the current legislative schema governing residential tenancies. I indicated the default eviction process has resulted in large numbers of individuals being evicted without mediation or a hearing on the merits. I am particularly concerned that such evictions may have disproportionate and oppressive consequences for vulnerable tenants: seniors, single parents with small children, individuals with disabilities and those for whom English is a second language.

I noted a number of problems with the current *Tenant Protection Act, 1997* including the time frame for disputing eviction applications, which is extraordinarily brief when one considers the severe consequences eviction can have on individuals and families. I suggested there should be greater scope for the exercise of discretion in the context of tenant evictions, cautioning that eviction should not be allowed to become a mechanical exercise devoid of human consideration. While the *Tenant Protection Act, 1997* may have effected greater administrative efficiencies than the *Landlord and Tenant Act*, I am concerned that this may have been at the expense of fair process. I urged the Minister to consider redressing the balance.

I was encouraged to receive a response from the Minister in which he acknowledged shortcomings in the legislation and that the election promise to introduce legislation to repeal the *Tenant Protection Act, 1997* and restore "real rent control" would be implemented. He added that my suggestions would be carefully considered in this process. The Ministry of Municipal Affairs and Housing also confirmed that it would be addressing the concern I raised in my last Annual Report regarding the provision in the *Tenant Protection Act, 1997* that permits landlords to apply for rent increases based on extraordinary increases in the cost for utilities. The Act currently creates an imbalance, as there is no corresponding right for tenants to apply for rent reduction when extraordinary utility costs no longer exist. The Ministry announced on March 29, 2004, the creation of the Provincial Rent Bank program involving the commitment of \$10 million in provincial grants to municipalities that currently operate, or wish to establish, rent banks.

My office received complaints this year from tenants living in social housing units who pay market rental rates. Currently, such tenants have no recourse under the *Tenant Protection Act, 1997* to dispute rent increases and there is no provision for rent review under the *Social Housing Reform Act, 2000*. In response to a letter I wrote supporting the creation of a mechanism that would provide for an independent appeal process for market-rate tenants in social housing units, the Minister of Municipal Affairs and Housing stated a comprehensive review of the *Tenant Protection Act, 1997* is underway. He explained that this review would provide an opportunity to consider establishment of an appeals process for market tenants living in social housing and undertook to take my views into consideration. He noted that the Ministry is carrying out a comprehensive review of the regulations contained in the *Social Housing Reform Act, 2000* as well and that he has asked Ministry staff to take my concerns into account and consider if there are any possibilities for an appeals process for market tenants facing above guideline increases.

This year, I was alerted to the plight of a number of individuals in the province with both developmental and mental disabilities who were experiencing difficulties obtaining a community placement. The individuals in question currently reside in psychiatric facilities but their health care professionals have advised that a hospital setting is not suitable or in their best interests. Despite the fact that with the proper supports, health professionals believe they would be able to succeed in community based settings, residential placements are not available for these individuals with a "dual diagnosis," who have substantial health problems. A recent study by the Centre for Addiction and Mental Health estimates there are 416 patients with a dual diagnosis currently residing in provincial psychiatric hospitals. Of that number, only 12 per cent were determined to require the in-patient hospital care they are currently receiving. The author of the study suggested that, if the intensive services required could be made available to them, most in-patients would be able to succeed in community based settings. Funding appears to be the biggest obstacle to finding residential placements for dual diagnosis patients. The Ministry of Community and Social Services advised my office that the added costs associated with the care of individuals with dual diagnosis can be a major drain on agency budgets and limits the ability of service providers to accept new dual diagnosis clients into care. The Ministry does not collect information about the size of waiting lists or the length of time individuals spend waiting for a placement. My office is aware of individuals who have been waiting in excess of three years for placements. Given that the issue of the placement of individuals with dual diagnosis involves community and social services as well as health services, I wrote to the Ministers of Health and Long-Term Care and Community and Social Services and asked how their Ministries propose to deal with the delay experienced by individuals with dual diagnosis awaiting community placement.

The Ministries responded noting that they had jointly supported the development and publication of a book entitled "Dual Diagnosis: An Introduction to the Mental Health Needs of Persons with Developmental Disabilities" and that regional training sessions were held throughout the province in March 2004 based on this publication. I was advised that the Ministries will work collaboratively to facilitate the placement of individuals in the most appropriate settings and that supportive housing is one component of the range of necessary community services. I was also advised that joint Ministry dual diagnosis committees have been established to assist with access to services for individuals with dual diagnosis. The Minister of Community and Social Services stated that although each community develops its own processes, many of them prioritize individuals currently residing in psychiatric facilities who no longer require a hospital setting for residential or support programs when vacancies or new resources become available such as the New Places to Live initiative recently announced by her Ministry. I will be monitoring the complaints my office receives regarding community placement of individuals with dual diagnosis in the future to evaluate the progress being made with respect to appropriate residential placement of such individuals.

Another method of increasing the investigative efficiency of my office involves increasing strategic use of my ability to investigate complaints on my own motion. One goal in my using this authority, is to assist the more vulnerable in our society. I believe it is incumbent on an Ombudsman to exercise the own motion authority in appropriate circumstances, to investigate issues affecting patients in psychiatric hospitals, seniors, children with disabilities and others who may not be able to voice their concerns or whose voices often go unheard.

Last year, I reported on a case I had investigated on my own motion relating to the former Ministry of Community, Family and Children's Services. It appeared to me that the Ministry had taken a reactive approach in planning and monitoring changes in the delivery of services for children with special needs and did not demonstrate a clear corporate vision of the scope of the issue. In my investigative summary, I reached the preliminary opinion that the Ministry should obtain necessary data to determine what level of residential services is needed in Ontario for children with special needs and plan accordingly. In response, the Ministry undertook to provide me with updates on its progress in developing a policy and funding framework for residential supports for children with complex special needs, at six-month intervals. Children's and youth services are now administered by the Ministry of Children and Youth Services. That Ministry has advised me that it has completed a complex data collection exercise capturing detailed service and financial information for hundreds of transfer payment agencies and private operators across the province and that it is conducting a detailed analysis of this information. The Ministry is also obtaining feedback from regional offices to identify best practices for service delivery in Ontario communities. The Ministry has begun to examine sources to assist in forecasting future and emerging needs in the residential system and residential systems in other jurisdictions.

This year, I conducted an investigation on my own motion into waiting lists and services delays in the Intensive Early Intervention Program for Children with Autism. My investigation revealed that from the fall of 2000, when the Program began, to December 31, 2002, 423 children with autism, who had been waiting for service, became ineligible for service because they had reached age six. I believe it is unconscionable that hundreds of autistic children "aged out" of the Program without ever receiving services, many after waiting over 18 months. On March 26, 2004, the Minister of Children and Youth

Services announced a plan relating to services for children with autism. I will be considering the Ministry's announcements with respect to autism and what further steps, if any, I will be taking with respect to this matter in the next fiscal year. In another case involving this Ministry, I investigated delays in obtaining special services available to families with children and adults with developmental disabilities. Since my investigation commenced, the Ministry has undertaken a number of steps to revise its business practices.

The *Ombudsman Act* gives me the authority to conduct investigations relating to a broad range of provincial governmental organizations, many of which routinely have in their possession personal health information. It is often necessary, particularly in the context of systemic investigations, to obtain relevant personal health information in the course of my investigations. Obtaining individual consent in these circumstances may be impractical and, at times, impossible. In these circumstances, it is critical that I have full access to relevant personal health information without the need to obtain individual consent. In some contexts, for instance, within the correctional system, systemic investigations relating to access to health care cannot effectively be conducted if it is necessary to obtain individual consent. Since the *Ombudsman Act* requires investigations to be conducted in private, imposes strict requirements upon me to maintain confidentiality and my records are not accessible under the provisions of the *Freedom of Information and Protection of Privacy Act*, third party personal health information in my possession is secure.

Bill 31, which included the *Personal Health Information Protection Act, 2004*, recently proposed additional safeguards for personal health information, which I generally support. I believe it was clearly intended by Bill 31 that my office would continue to have access to personal health information during the course of our investigations. However, I was concerned given the language of the Bill, that it might have the unintended effect of impairing my ability to conduct investigations of provincial governmental organizations in certain circumstances. Consequently, I attended before the Standing Committee on General Government reviewing the Bill and suggested that an amendment be considered to clarify my right to obtain personal health information during the course of my investigations. While in our complex and changing society, it is important to have clear rules respecting the privacy of personal health information, it is also important to ensure that government administration is held accountable both for its use of such information and for its conduct generally. When Bill 31 was reported back to the Legislative Assembly by the Standing Committee for second reading, it contained a consequential amendment to the *Ombudsman Act* confirming that a person who is subject to the *Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act, 2004* is not prevented by any of the provisions in those acts from providing personal information to the Ombudsman in the course of an investigation. The Bill has now received Royal Assent.

The role of an Ombudsman is unique and carries with it broad and independent powers of oversight, investigation and recommendation. However, in today's society, there are an increasing number of complaint services personnel in the private and broader public sector using the term "Ombudsman" to describe their function. I believe this trend, particularly if it were to prevail in provincial government, would result in confusion to the public and a dilution of the significance of the Ombudsman role. It should be clear to the public that there is one provincial Ombudsman dedicated to consideration of their complaints. In some jurisdictions internationally, the use of the term Ombudsman is restricted by law. In the province of Saskatchewan the government has taken steps to ensure that the word Ombudsman is not appropriated by public offices that

do not carry the prerequisites of an Ombudsman. It is the Saskatchewan Government's policy that no governmental body will use the word "Ombudsman" to designate any position unless the position is designated as such by legislation with the agreement of that Province's incumbent Ombudsman. I encourage the Province of Ontario to adopt a similar policy.

The world has irrevocably changed since the events of September 11, 2001, and its after-effects continue both internationally and at home. In a speech I delivered this year at the Annual Conference of the United States Ombudsman Association, I noted that the events of September 11, 2001, drove a stake through the security, confidence and vigilant commitment to fairness of North American society. Exigent, diffuse and uncertain threats to our very sense of security make possible dangerous, far-reaching responses by our governments, which are capable of undermining our basic concepts and values of democratic good governance and its fundamental fairness.

I believe individual rights and fairness in government administration must not be lost or forgotten in the face of increased concerns over security. It is critical that Ombudsman organizations in their services to the public in these difficult times continue to be advocates for measured and fair response by government.

One concrete example of the continuing effect of 9/11 on government administration is the addition of rigorous requirements for obtaining personal identification documents. While the need for such requirements is generally not disputed, their implementation has had an adverse impact on the delivery of provincial government services to the public. The Registrar General Branch of the Ministry of Consumer and Business Services registers and provides certificates relating to various events including births, deaths, marriages, adoptions and changes of name. For the first time since 1996, the Registrar General Branch of the Ministry is on the list of the top 10 government organizations complained about to my office. The number of complaints received by my office doubled from 2001-2002 to 2002-2003 and has quadrupled since 2002-2003. Service delays at the Registrar General Branch are now legion and have caused considerable inconvenience to the public. I have reported on an investigation I conducted on my own motion into the situation at the Registrar General Branch as well as a number of case stories that illustrate typical situations involving significant delays with the Registrar General Branch, which have necessitated intervention by my office. The Ministry has responded to the need and deployed significant additional staff and resources in an effort to resolve this serious service disruption. I will monitor the results.

I continue to encourage governmental organizations to create internal complaints mechanisms. Such mechanisms provide an opportunity to resolve complaints without resort to the external intervention of the courts or my office. They enable an organization to address complaints before they escalate and to find resolutions tailored to their own mandate and resources. When an organization deals effectively internally with complaints, it serves to enhance its credibility and reputation. Having an effective internal complaints process, enables an organization to reflect upon and assess its operations and their effects. Effective internal complaints mechanisms can lead to service improvements and prevent future complaints.

My office often acts as a resource to organizations establishing internal complaints systems. This year my office provided advice to the Victim Services Division of the Ministry of the Attorney General as well as to the new Fair Practices Commission of the Workplace Safety and Insurance Board regarding internal complaints resolution. My office also made a presentation to a multi-ministry committee at the Corporate Policy Branch of the Management Board Secretariat regarding the essential components of a complaint handling system.

In this Annual Report, I have included a document entitled "Creating Internal Complaints Processes," which contains a checklist of points I suggest organizations consider when developing complaints mechanisms. My office has had a Complaints About Us program since 1996 and I report annually on the results. In my own office, complaints have led to improvements in how we conduct our business. I recognize that no organization, including my office, is perfect and believe that organizations should be prompt and forthright in correcting and redressing their errors. In a case in point, this year my office resolved a complaint of regrettably long standing involving a complicated matter that had extended over many years. The service provided by this office, in this case, had been well below standard. A written apology was provided. In addition, consistent with my practice of recommending that governmental organizations compensate individuals for the frustration they have experienced as a result of maladministration, compensation was paid to the complainant.

When I became Ombudsman in January 2000, by necessity I became quickly familiar with the Family Responsibility Office (the FRO), which is responsible for enforcing spousal and child support orders in this province. Throughout my term, the FRO has yielded the second largest number of complaints and enquiries to my office. In my first Annual Report I reported that my office received 1,451 complaints and enquiries about the FRO. Not much has changed since then. This year my office received 1,467 complaints and enquiries about the FRO. In my second year in office, I conducted an own motion investigation to examine the FRO's computer system. It was my view then that the FRO's computer system needed to be replaced if the FRO were to meet its mandate effectively. My view remains unchanged three years later. While some temporary administrative initiatives have recently been introduced to deal with routine calls, updating addresses, registration and notification about credit bureau reporting, the FRO is still operating with inadequate crucial technological resources. The case stories highlighted in this report demonstrate grave continued inefficiency, which is simply unjustified, particularly for those in need.

I have been advised that the FRO is continuing to request approval of a new integrated service delivery model, which would combine new software with a new case management system. However, even if funding is approved for this necessary project it will undoubtedly require significant time to implement. In the interim, families dependent on the FRO's effective enforcement and prompt and appropriate disbursement of collected funds for their income will continue to suffer. My Annual Report contains a selection of case stories highlighting the problems individuals encounter when dealing with the FRO. The FRO's phones are constantly busy and huge numbers of individuals never get through. Human error is cited repeatedly to explain accounting and other administrative errors, which result in frustration and financial loss to recipients and payors alike. As of February 2004, there were \$1,319.2 million in arrears owing to recipients, including \$209.8 million owing to the provincial treasurer as a result of assignments for social assistance. Without the necessary further resources, the FRO will not be able adequately to meet the needs for which it was created and properly serve the public of Ontario.

Correctional Services at the Ministry of Community Safety and Correctional Services continues to generate the largest number of complaints and enquiries to my office, totalling 7,640 this year. This high number of complaints received is not surprising, considering that inmates in provincial correctional facilities are dependent on the Ministry for such basic needs as their food, clothing, shelter and medical care. Despite the prevalence of correctional complaints, I do wish to express my understanding of the difficult issues the Ministry faces. In particular, I recognize the efforts of senior management in Corrections towards achieving a humane environment for inmates of provincial correctional institutions consistent with the obligations of a civil

society. This year, I conducted a number of own motion investigations into the Ministry's operations. I considered a "lock down" at a privately run correctional centre that restricted inmates to their cells for months at a time and which was prolonged because of a dispute over the responsibility for repairing walls damaged in a riot. I also investigated the Ministry's monitoring of compliance with health care and food services contractual requirements at the same centre. In addition, I was very concerned to learn that emergency and routine health care of federal immigration detainees in a provincial facility was being delayed because of decisions taken by Federal government officials. I consequently launched an investigation, which resulted in the Ministry taking action to ensure those under provincial care received timely medical treatment. I also investigated a situation involving an administrative error that led to a group of women inmates being denied their legal right to vote. In addition, I investigated the planning surrounding the opening of the Toronto Youth Assessment Centre, which has been mired in criticism for the conditions of youth confinement and which is finally scheduled to close its doors. This Annual Report contains numerous case stories about inmates who have relied on our office for assistance over the past year and a separate section, Focusing on Corrections, discussing some of the issues faced this year in the correctional area.

This report contains many stories of successful resolution which would not have been possible without the cooperation of dedicated and conscientious public servants. I presented five members of the Ontario public service with Ombudsman Ontario Public Service Recognition Awards, recognizing those individuals as public servants who consistently try to find ways to solve problems and provide better service to the public in response to complaints brought forward by my staff. This year, awards were received by individuals from the Integrated Services for Children Unit, Management Support Branch (Ministry of Children and Youth Services), the Family Responsibility Office (Ministry of Community and Social Services), the Driver Improvement Office (Ministry of Transportation), the Central East Correctional Centre and the Operations Compliance Unit, Central North Correctional Centre (Ministry of Community Safety and Correctional Services).

I continued to promote the role of Ombudsman nationally as well as internationally. This year, my office was involved in developing and presenting training for members of the Forum of Canadian Ombudsman. I also engaged with my provincial and territorial colleagues as a member of the Canadian Council of Parliamentary Ombudsman. I continued in my role as President of the International Ombudsman Institute, participating in such activities as an International Round Table for Ombudsman of the former Soviet Republics in support of their role in enhancing their nations' transition to democracy. That Round Table was hosted by the United Nations Development Program (UNDP) in Baku, Azerbaijan and my attendance was at the invitation and expense of the UNDP. I was pleased to arrange Visiting Scholar status for a staff member of the Office of the Ombudsman of Korea to study at the Institute headquarters at the Faculty of Law of the University of Alberta. The Institute will be holding its VIIth World Conference in September in Quebec City based on the general theme of "Balancing the Obligations of Citizenship with the Recognition of Individual Rights and Responsibilities – The Role of the Ombudsman."

Looking forward, I believe we are well on our way to achieving our corporate vision by 2005, which includes successful community outreach and government information sharing, effective use of resources, becoming a leader in the international ombudsman community, effective strategic and technical human resource practices and establishment of a leadership philosophy amongst staff that promotes participation, innovation and creativity. Our vision document, *Looking Forward*, is available to the public from our communications department or on our website.

I have enjoyed an almost four-decade career in criminal, regulatory and administrative justice roles, including that of Provincial Court Judge and Police Complaints Commissioner for Ontario, a specialized executive ombudsman position. I remember well the creation of the Ontario Ombudsman's office in 1975, have known each of my four predecessors and closely followed their Ombudsman careers. When the position of Ombudsman of Ontario became available in late 1999 I competed for the position believing that being the Ombudsman of Ontario would represent an honourable and fitting public service conclusion to my professional life.

My term as Ombudsman will end on January 29, 2005 and I will retire secure in the knowledge that I have latterly worked with men and women committed to the principles of the Ombudsman role in support of the best in our democratic values. This is my last Annual Report as Ombudsman of Ontario and I would like to take this opportunity to say good-bye to and thank the public of Ontario for bringing their complaints and concerns to my attention, the Government of Ontario for cooperating with my investigations and implementing improvements in response to my suggestions and recommendations and the Legislative Assembly for granting me the privilege of being Ombudsman and for their consideration of my reports and recommendations. In January I will bid farewell to my staff, who have shown dedication to the Ombudsman goals of fairness and accountability in the provision of government service to the public. I also wish to thank and recognize my family publicly as I retire from my full-time professional career for their support and encouragement over the many years I have served as Ombudsman and in several other public service roles.



**Clare Lewis, Q.C.**  
Ombudsman

# Significant Cases

## Ministry of the Attorney General

### Ontario Human Rights Commission

**Ms A** filed complaints with the Ontario Human Rights Commission (the Commission) on behalf of her two minor children. She claimed her children had been discriminated against on the basis of family status when they were expelled from a skating club because of her own alleged conduct. The Commission decided not to deal with the children's complaints, concluding that they failed to establish a reasonable basis upon which they should be maintained and could be characterized as vexatious. The Commission upheld its decisions on reconsideration. Ms A complained to the Ombudsman that in dismissing her children's cases, the Commission inappropriately focused on her conduct, rather than on her children's complaints.

In reviewing Ms A's case, the Ombudsman noted that the law relating to the interpretation of "family status" changed during the course of the Commission's consideration of the children's complaints. By the time the Commission dismissed the complaints, the Supreme Court of Canada had confirmed that the concept of discrimination on the basis of family status, included discrimination based on a relationship to a particular family member. In an investigative summary, the Ombudsman commented on apparent inadequacies in the Commission staff's investigation and reporting on Ms A's case. In response to the Ombudsman's concerns, the Commission acknowledged that given the Supreme Court of Canada case relating to family status, its decisions in the children's cases might not be correct. The Commission said it would consent to a court application requesting that the complaints be sent back to the Commission for reconsideration. It also stated it would pay the reasonable costs

associated with bringing the application and would assist counsel in filing it. The Ombudsman was satisfied with the Commission's proposed resolution.

### Ontario Victim Services Secretariat

**After reviewing** information in an individual complaint file that caused him concern, the Ombudsman conducted an own motion investigation on the current policies and practices used by the Ontario Victim Services Secretariat to communicate with their clients. The Ministry indicated that the Ombudsman's investigation had prompted it to review its current procedural requirements and guidelines and to take steps to strengthen them. The Ministry stated it would be issuing a directive, revising its manual and adding a separate data field to its client database relating to client communication. The Ombudsman was satisfied with the steps being taken by the Ministry and closed his file.

## Ministry of Children and Youth Services

### Intensive Early Intervention Program for Children with Autism

**In 1999**, the former Ministry of Community, Family and Children's Services (the Ministry), established an Intensive Early Intervention Program for Children with Autism (the Program). According to the Ministry, this is a discretionary program under the *Child and Family Services Act*. The Program is now the responsibility of the newly created Ministry of Children and Youth Services (MCYS). In 2000, the Ombudsman began to receive complaints from parents about delays involving and access to the Program's services. Information provided to our staff by

the regional service providers of the Program across Ontario indicated that there were approximately 900 children waiting for assessment of eligibility and/or Intensive Behavioural Intervention (IBI) services. The Ombudsman consequently initiated an investigation on his own motion into waiting lists and service delays in the Program.

According to the Autism Society of Ontario, autism is described as a complex developmental disability appearing generally in the first three years of a child's life and is thought to be the result of a neurological disorder affecting the functioning of the brain. It is a lifelong disability. Its symptoms typically include difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. In some cases there may be aggressive and/or self-injurious behaviour, repeated body movements such as hand flapping and rocking and other unusual responses to people and objects. Autism is seen as a spectrum disorder since its symptoms and characteristics can be presented in a wide variety and range of combinations from mild to severe. Considerable research exists supporting the benefits of early intervention services for children with autism. The Program's guidelines specify that the Program is for preschool children. Children who do not receive service before the age of six are not eligible for service.

In responding to the Ombudsman's notice of intent to investigate, the Ministry stated it did not collect information about the length of time that a child may wait for assessment or services. It expressed concerns about the delay in providing services in its nine regional autism programs and advised that it had thoroughly examined the operations of the regional programs to determine the reasons behind the wait list and possible solutions to address the problem. It reported it had identified factors affecting access to the Program: program maturity, staff capacity, and staff attrition.

In November 2002, the Ministry announced that it was providing additional funding to the Program of \$58.6 million to bring the total commitment to almost \$100 million by 2006-2007. The announcement provided for \$39.6 million for enhancements and \$19 million for new programs and services for older children with autism to grow and learn in their transition to school. The Ministry later explained to the Ombudsman that, of the proposed \$58.6 million invested, \$1 million had already been used in 2002-2003 to enable regional programs to hire additional staff and service increased numbers of children. The Ministry stated that, by 2006-2007, it estimated there would be "763 additional staff hired and 610 additional children receiving IBI services." In addition, the Ministry noted that other investments would be made for outreach and recruitment activities including investing in colleges and universities to develop curricula in behavioural science and autism, as well as enhanced training to support the increased number of staff.

In an investigative report, the Ombudsman noted that there was uncertainty regarding the prevalence of autism at the time the Ministry was planning for the Program and uncertainty about its ability to meet the demand for services. The MCYS acknowledged that prevalence rates are still an issue of debate. The Ombudsman also noted that when it was establishing the Program the Ministry knew there was a shortage of qualified staff to deliver it and that steps would have to be taken to build human resources capacity in Ontario. However, it was not until November 2002 that the Ministry announced a significant strategy to hire and retain IBI professionals and to develop university and college curricula to train them. At the time of writing this report, the MCYS had not fully implemented its original plans or the new initiatives announced in November 2002 that were developed to address recruitment, training and retention concerns.

The Ombudsman expressed concern about the Ministry's monitoring of staffing issues as well as its failure to analyze information necessary to assess the impact of service delays on children who reach the age of six while waiting for service. During the course of the investigation, Ombudsman staff took raw data from regional service providers and analyzed it. Based on this data, the Ombudsman noted that as of December 31, 2002, 423 children had "aged out" without receiving services and over half of those children had been on the waiting list for 18 months or more before "aging out." The Ombudsman noted that there were hundreds of children currently on the waiting list who might never receive services.

The Ombudsman reviewed the Ministry's initial vision for the Program, which was to serve all young children with autism. He noted that this vision was revised to delete the word "all" by the time the Program was launched in the fall of 1999. The Ombudsman commented that the Program was initiated quickly as a result of political response without the lead-time necessary to prepare for the recruitment and training required to build the capacity to provide service. The Ombudsman expressed the view that the Program created expectations of service it was unable to fulfill and that it was incumbent on government to be open and clear regarding Program expectations. The Ombudsman acknowledged that the Program is discretionary. However, he stated, given the critical importance of IBI in assisting children with autism, it was unconscionable that hundreds of autistic children "age out" without ever receiving service, some after waiting for over 18 months.

In his investigative report, the Ombudsman also noted that the Ministry had failed to factor in the need for administrative support to manage waiting lists when planning the Program. He noted this failure led to service providers having no resources to communicate with

beleaguered parents regarding their children's status on the waiting list. He commented that, while the Ministry expects that the Program will operate at full capacity by the 2006-2007 fiscal year, there is still a substantial waiting list and children who will wait in line in the intervening years without ever obtaining service. The Ombudsman also identified inconsistent practices amongst service providers with respect to managing the waiting lists. He noted nothing has been done yet to ensure a consistent and equitable approach to waiting list management. The MCYS indicated that it would be taking steps in the near future to address the waiting list issue. However, the Ombudsman noted it was unfortunate that these steps would not assist those hundreds of children who have "aged out" already without receiving service.

The Ombudsman made the following recommendations in his report. The MCYS should:

- when developing a program, have an effective strategy for recruitment, training and retention of necessary staff in place before the program begins;
- fully implement its strategy for recruitment, training and retention of IBI staff;
- effectively monitor staffing issues when implementing its programs;
- not create program expectations it is unable to meet;
- analyze information regarding the impact of service delays on children who "age out";
- take all available steps to ensure that all eligible autistic children are provided with services under the Program;
- factor in the need for administrative support to manage waiting lists when planning programs in the future; and
- ensure that waiting lists for the Program are consistently and equitably managed.

On March 26, 2004, the Minister of Children and Youth Services announced a plan, which included investment in autism research and training. It was stated that the plan would:

- Increase the number of pre-school children who receive assessments and services
- Enhance knowledge and skills of educators to support children and youth with autism in the classroom
- Strengthen support for parents as they care for their children with autism
- Provide for long-term sustainability of these services through investments in knowledge and infrastructure.

The Ombudsman will be considering the MCYS' response to his report and what, if any, further steps he will take in the next fiscal year.

## Special Services at Home

**The Ombudsman** was contacted by Ms Y, a mother of an autistic boy living in a small town in southeastern Ontario. Ms Y complained about delay in approval of her application under the Special Services at Home program (the program) and the regional disparity in the amount of money available under the program. Ms Y claimed that if she lived across the road, she would have received more money from the program than she currently does. The program helps children with developmental or physical disabilities and adults with developmental disabilities to live at home with their families by providing funding on a time-limited basis to address individual needs.

In response to the Ombudsman's notice of intention to investigate Ms Y's complaint, the Ministry agreed that if Ms Y lived in another region, she probably would have received more money. It noted the region she resides in has a waiting list for the program of several hundred families. The Ministry advised that regions receive money under the

program based on a target equity formula and their percentage of both the general population and prevalence of people eligible for the program. The Ministry told the Ombudsman that it had developed a strategic plan to deal with some of its waiting list issues. The Ministry's goals included reducing the wait list, ensuring parity amongst families of similar need within regions and providing for a contingency fund for families with high needs who apply mid-year after allocations. During the course of the Ombudsman's investigation, the region in which Ms Y lives received a funding increase of \$350,000, which resulted in the Ministry reassessing all applications within the mid-range, equalizing funding and bringing 33 families off the waiting list. Ms Y's family was among those who received additional funds, in her case \$2,900.

The Ministry informed the Ombudsman that since his investigation had commenced, it had conducted a review of the business practices of the entire program. It had



concluded there was considerable variation in the decision-making process used across the province and wide variation in service delivery. The Ministry advised that it has developed a new application process for the program that is being piloted. The Ministry also noted its review confirmed there were inconsistencies in the program's information maintenance systems. It has recently developed a program database, which it expects to be in use over the course of the next fiscal year and which it anticipates will enable it to monitor the program. The Ministry is hopeful that the use of the new assessment tools will address regional disparity in the future. In the southeastern region the waiting list for the program was decreased in total by 50 per cent during the course of the Ombudsman's investigation.

## Ministry of Community and Social Services

### Family Responsibility Office

**Ms A** complained to our office that the Family Responsibility Office (the FRO) had missed an opportunity to recover support arrears owing to her. In 1999, she had notified the FRO that the support payor would likely be receiving an inheritance from his father's estate. Our investigation determined that it took the FRO nearly two

...the FRO apologized to Ms A and provided her with an amount comparable to what she could have received had it taken timely action.

years to issue a notice of garnishment to the estate. By that time, the estate trustee had already distributed the support payor's inheritance elsewhere.

In an investigative summary, the Ombudsman expressed the view that it was likely the FRO would have obtained funds from the estate, if it had requested relevant estate information and taken garnishment action in a timely manner. The Ombudsman

made a preliminary recommendation that the FRO provide a written apology to Ms A and compensate her for its maladministration. In response, the FRO apologized to Ms A and provided her with an amount comparable to what she could have received had it taken timely action.

## Ministry of Community Safety and Correctional Services

### Adult Institutional Services, Central Region

**In September 2002**, a riot occurred at a privately run correctional centre. During the riot, inmates removed concrete slabs from the shower privacy walls and caused substantial damage to the facility. After the riot, all inmates were "locked down" for an extended period of time. While "locked down," inmates were only allowed out of their cells into common or shower areas for brief periods during the day, there were delays in receiving medications and being seen by doctors at the facility and inmate privileges were restricted. Our office received calls about the "lock down" and reports that inmates were not receiving laundry, including clothing, sheets and blankets on a regular basis. The Ombudsman was concerned about this situation and commenced an investigation on his own motion.

After the Ombudsman sent his notice of intent to investigate, some units of the facility returned to normal functioning in January 2003 after being on "lock down" for over three months. Three other units remained on "lock down" for an additional three months.

Our investigation revealed that the private facility's shower privacy walls had not been built to contract specifications and required repair. The delay in the facility returning to normal functioning resulted from a dispute between the facility's builder and the Ontario Realty Corporation over who was responsible for repairing the walls. The facility

could not make the necessary repairs without Ministry approval. The Ministry would not approve the repairs saying they were the builder's responsibility. However, they agreed the facility's staff could repair the privacy walls, if there was a security breach. The builder finally agreed to make the necessary repairs. Consequently, the remaining units were taken off "lock down."

Our investigation also found the laundry supply was inadequate and did not comply with the facility's standing orders. As a result of the Ombudsman's investigation, a laundry officer was hired, a laundry tracking system set up and additional laundry supplies were ordered to ensure inmates were given the required laundry.

**The Ministry** is responsible for the health care of all inmates in provincial correctional facilities. Our office received information indicating that federal immigration detainees in a provincial facility were experiencing delays in receiving emergency as well as routine health care because of decisions taken by the RCMP and/or Citizenship and Immigration Canada. The Ombudsman commenced an investigation of this issue on his own motion. In response, the Ministry reported it had initiated discussions with Citizenship and Immigration Canada to establish a memorandum of understanding dealing with responsibility for transporting immigration detainees for the purpose of health care. The Ministry had also entered into arrangements with a local police force to provide escort services when the RCMP was not immediately available. As these initiatives addressed the Ombudsman's concerns, the investigation was closed.

**A number of inmates** at a women's correctional facility contacted the Ombudsman complaining they had not been able to vote in the October 2003 provincial election. As provincial inmates are entitled by law to vote and no citizen should be disenfranchised arbitrarily or by negligence, the Ombudsman investigated this complaint on

his own motion. The Ministry initially replied that Elections Ontario had mailed out the proxy voting package to the wrong address. Our investigator discovered the Ministry had provided institution labels to Elections Ontario in early 2003. However, the Ministry had requested that the labeled packages be returned so that instructional material to be posted in correctional institutions could be put on Ministry letterhead. In the end, it was the Ministry that mailed out the packages.

The women's correctional centre in question had relocated between the time the labels were sent to Elections Ontario and the time the packages were mailed by the Ministry. There was no address label for the correctional centre's new address and the package sent to the former address was used by a youth facility now occupying the site. The Administrator of the youth facility did not forward the package on and the official at the women's correctional facility designated to handle election issues took no action to find out about election procedures.

The Ministry, when told of the information obtained in the investigation, agreed that it would provide the inmates affected with a written apology. The Ministry also committed to developing a policy relating to handling information received from Elections Ontario. On the basis of these two undertakings, the Ombudsman determined no further investigation was necessary.

**When a new** adult correctional centre opened, the Ombudsman began receiving many complaints from inmates at the facility about health care and food services. The Ministry had transferred the responsibility for the operation of the facility through contract to a private operator. The private operator subcontracted the provision of health care and food services. The Ministry has a Contract Compliance Unit on site to monitor compliance with the Services Agreement between the Ministry and the contractor.

The Ombudsman initiated an investigation on his own motion into whether the Ministry was ensuring the facility was providing health care and food services in compliance with the terms of the Services Agreement with the private operator.

The Ombudsman's investigation identified a common theme of inadequate operating systems, coordination, planning and resources. During the course of the investigation, the Ministry and the private operator resolved several of the concerns that were identified. The Ombudsman issued a report setting out the results of his investigation and his recommendations.

In his investigative report the Ombudsman noted that, while the Ministry is now conducting regular reviews of health care services, those reviews were not initiated until his investigation had commenced and until the facility had been open for eight months. The Ombudsman was also of the view that the Ministry had failed to establish clear and

comprehensive health care standards in a timely manner. The Ombudsman expressed concern that the Health Care Unit was not adequately staffed when the facility opened and that the Ministry had failed to adequately plan for dental and radiological services. The Ombudsman noted that the Ministry had not met its contractual obligations to provide resources for health care services and suggested that had there been better planning, these services could have been provided at the facility when it opened.

Our investigation found that in some cases it took up to six days for inmate requests to see a doctor to reach the Health Care Unit and another 10 days after the Health Care Unit received the request for an inmate to see a doctor. The Ombudsman noted that the Ministry had taken steps recently to address his concern regarding forwarding inmate requests to see a doctor to the Health Care Unit in a timely manner. However, the Ombudsman found that in other correctional facilities, inmates are seen within two to three days of submitting a request. He expressed the view that the standard of medical care available should not vary between privately and publicly run correctional facilities.

The process for dispensing medication at the facility is different from that used at other provincial correctional facilities. The Ombudsman stated he would monitor complaints regarding this process in future. The Ombudsman also identified instances when missed medication doses were not properly documented.

The Ombudsman expressed concern about the Ministry's planning for the implementation of food service at the facility, however, he noted that the Ministry had taken steps to ensure that inmates were provided with meals. He noted that efforts had been taken to improve meal service delivery and quality control but expressed the view that the Ministry should have ensured that adequate processes were in place when the facility opened and that written policies and procedures for inspection and documentation of meal quality and quantity should have been in place earlier. The



Ombudsman identified problems relating to the systems in place for the distribution of specialized diets to inmates.

The Ombudsman noted that the Ministry was leaving it up to the private contractor to identify valid inmate complaints for the purpose of the Ministry's monitoring of contract compliance and that this might result in the Ministry being unaware of performance deficiencies. The Ombudsman recommended that the Ministry implement a comprehensive monitoring system as soon as possible based on predetermined performance standards to ensure that contractual obligations are met.

The Ombudsman made 14 recommendations. The Ministry accepted all of the Ombudsman's recommendations and either implemented or proposed steps to implement them. The Ministry committed to updating the Ombudsman on the status of implementation on a quarterly basis.

The investigation resulted in many positive changes. For example, the Ministry agreed to conduct regular audits of any facility in which health care services are provided under contract in a timely manner and to continue audits at the facility on at least a quarterly basis. The Ministry agreed that clear and comprehensive health care standards would be developed for the facility. The Ministry also agreed to address issues related to the provision of on-site radiological services. The Ministry noted that a new protocol was in place at the facility to ensure the timely delivery and response to requests from inmates to see a doctor. The Ministry also developed a clear definition of medication omission, which will require the contractor to send an Occurrence Report to the Ministry.

With respect to food services, steps were taken to address the Ombudsman's concerns about the provision of specialized diets to inmates at the facility and quality control measures were improved. The Ministry agreed that in the future when a new facility is opened it would

have in place the required written policies and procedures for the inspection and documentation of meal quantity and quality.

The Ministry agreed to ensure that the contractor provides timely responses to requests for information and to implement a comprehensive monitoring system based on predetermined performance standards. It also explained that it developed a Contract Compliance Unit protocol manual, which sets out monitoring and reporting schedules to determine if the contractor is in compliance with its protocols.

## Young Offender Services

### *Toronto Youth Assessment Centre*

**Young persons** and the Office of Child and Family Service Advocacy (the Advocate's Office) alerted the Ombudsman to concerns about conditions at the Toronto Youth Assessment Centre (TYAC). Media reports also identified significant problems with TYAC, particularly peer-on-peer violence. The Ombudsman initiated an investigation on his own motion, focusing on the planning for the opening of TYAC.

Our investigation found that the planning for TYAC was influenced by the death of a youth at a shared adult facility in September 1996. In November 1996, the Ministry retained two independent consultants who recommended that youth be housed in stand-alone centres. In May 1997, the Ministry submitted a proposal to close a young offender unit at a detention centre and create a 142 bed centralized youth assessment and detention unit at a recently closed detention centre site with a staff of 98. The proposal set out a critical path, which included provision for three weeks of staff training. The proposal also identified that the change in the nature of supervision from adult to youth would require extensive training and dramatic reorientation. TYAC opened on January 12, 1998.

The original mandate of TYAC was to ensure youth from, remanded or sentenced in the Greater Toronto Area (GTA), would receive any necessary assessment in a timely fashion. It became apparent during the course of our investigation that TYAC's mandate had changed over time. A number of reviews, focus groups and an internal audit identified problems in carrying out TYAC's mandate. In September 2000, the Advocate's Office and in July 2001, a Ministerial review, recommended that the Ministry re-evaluate the need for and value of a comprehensive assessment process at TYAC. By February 2001, the Ministry had stated that TYAC was no longer operating under the comprehensive assessment model. Factors contributing to this were outlined in a Memorandum in February 2002, and included limitations of the physical structure, sustained crowding pressures, limited programming space, staff training issues relative to a high turnover rate, increased levels of peer-on-peer violence and communication issues between clinical and correctional levels.

**It was the Ombudsman's preliminary**

**opinion that TYAC was unsuitable for the purpose of a youth detention centre and should be replaced as soon as possible.**

One of the factors identified as contributing to delays in assessments was the physical structure.

We also received complaints regarding the contribution of the physical layout to peer-on-peer violence, security and programming problems. We were advised by staff involved in the planning for TYAC that there was no methodology used to determine the appropriateness of the design of TYAC. We were also told the move to the TYAC site was an interim plan and that pressure was applied to move the youth before the planning committee was ready to do so. In June 2000, in responding to inquest recommendations, the Ministry stated that another GTA site would be retrofitted and expanded to become a 350-bed youth centre

by spring 2002. However, as of May 2003, Ministry staff had indicated that the capital plan had not yet been approved. In March 2004, the Ministry's website also stated that the GTA Centre for youth was pending project approval.

Ministry staff stated the grille doors in TYAC contributed to inappropriate communication, increased noise level, lack of privacy, the throwing of debris and peer-on-peer assaults. We were advised that the youth "grab others in the living area and smash their heads on the grilles." The Advocate's Office Report in 2000 also referred to this practice known as "grilling."

The Advocate's Office noted in its 2000 report and TYAC staff we interviewed confirmed, that TYAC's floor plan, with long and narrow day rooms and obstructed views, contributed to peer-on-peer assaults and security issues. Staff also said TYAC does not have enough room to run programs or enough space in the school area to accommodate all the youth who want to attend. We were also told by TYAC staff that double-bunking, because of lack of space and overcrowding, allows no privacy and permits youth to assault or assist others to assault cellmates. The Advocate's Office reported in 2000 that TYAC provided limited yard time and recreational opportunities to youth and had no gymnasium. We learned that although the Ministry had identified early on that not having a gymnasium was a deficit, a gymnasium was not built at the site until May 2003.

Ministry staff advised that the original staffing ratio proposed for TYAC was based on consultant recommendations. A staff to youth ratio of 1 to 8 by day and 1 to 16 by night was recommended by one consultant. A coroner's jury made a similar recommendation in April 1999. Staff involved in TYAC's planning told us the Ministry decided to fund less staff for TYAC than was recommended in the proposal. We were told that a 1 to 8 ratio was approved by

the Ministry in principle in 2001. However, this ratio was not adhered to in all units at TYAC. The Advocate's Office as well as TYAC's Joint Occupational Health and Safety Committee recommended that the staffing ratio be increased. Our investigation found that inadequate staffing ratios at TYAC resulted in insufficient staff being available to supervise youth using the gymnasium, in the yard or in programs. We were told that there had been shortages of social workers and psychology staff.

Our investigation found that some of the staff at TYAC who transferred from working with adult inmates were provided with two weeks of training rather than the recommended three weeks. Additional training was also limited. While four officers from TYAC participated in a 2001 associate trainer training on peer-on-peer violence program, because of staffing pressures, this training had never been offered on site as was originally intended.

Our staff reviewed 10 investigation reports regarding TYAC, completed by the Ministry's Correctional Investigation and Security Unit (CISU), which investigates serious incidents. The findings of these CISU investigations included numerous incidents in which TYAC staff did not follow sound and accepted corrections practices, contravened Ministry guidelines, exercised poor judgment and failed to submit incident reports and/or make notes of significant observations in logbooks. Lack of staff training was cited in several of the investigations.

After our investigation had been essentially completed, the Advocate's Office issued a report on TYAC on December 5, 2003. The Advocate's Office stated it continued to have very serious concerns and made a number of recommendations including that TYAC be closed. We were told by the Ministry that there were major changes at TYAC following the release of the Advocate's Office's 2003 Report. In December 2003, the Ministry permanently downsized the population at TYAC by 50 per cent. We were advised of a number of

improvements at TYAC, for instance, it is now meeting the staffing ratio recommended by the Ministry, there is no waiting list for school, staff are continuing suicide prevention training, and there is a structured activities schedule for the recreation program.

Based on the information obtained during our investigation, it appeared to the Ombudsman that, from an early date, TYAC was having difficulty fulfilling its original assessment model mandate. While the move to the TYAC site was intended to be short-term, TYAC was still in operation at the site six years later with a physical structure unsuitable to its purpose.

The Ombudsman noted that TYAC's grille doors, long corridors with obstructed views, lack of programming space and double-bunking have combined to create an environment conducive to peer-on-peer violence. TYAC did not have the staff complement originally recommended in the Ministry's May 1997 proposal. Until very recently, it appeared TYAC was not able to meet the Ministry's recommended ratio of officers to youth on some units during the day and generally did not meet this ratio at night. Staffing deficiencies led to security problems and affected TYAC's ability to offer recreation programs and clinical services. However, the Ombudsman noted it did not appear that any decisive action to remedy the situation was taken until his investigation was well underway and the Advocate's Office had issued its December 2003 report. The Ombudsman also noted it appeared that the training provided to staff at TYAC had been limited.

The Ombudsman commented that TYAC has finally succumbed to outside pressure and that steps are finally being taken to address some of its shortcomings. He noted, however, that it was unfortunate these changes came too late to assist many of the youth who had to endure its deplorable conditions over the last six years. He stated

there were important lessons to be learned by the Ministry in planning and implementing similar initiatives in the future. While the Ministry had indicated that plans are underway to open a new youth facility, it was well beyond the date originally envisioned for its construction. It was the Ombudsman's preliminary opinion that TYAC was unsuitable for the purpose of a youth detention centre and should be replaced as soon as possible. The Ombudsman made two preliminary recommendations; that the Ministry should in future carefully assess locations to be used for the detention of youth to determine their suitability and ensure that adequate staffing is provided and should ensure that the staff of TYAC are provided with appropriate training on an urgent basis.

The Ministry accepted the Ombudsman's recommendations, noting that as a result of reduced numbers of youth at TYAC, current staffing levels are appropriate, an enhanced training plan to address peer-on-peer violence and to strengthen training for youth workers has been implemented and that TYAC would close on June 30, 2004. The responsibility for Youth Justice Services was recently transferred to the Ministry of Children and Youth Services.

## Ministry of Consumer and Business Services

### Registrar General Branch (RGB)

**Through media reports**, the Ombudsman learned homeless and other marginalized individuals appeared to be having increasing difficulty obtaining birth certificates they needed to obtain social services. The fees for birth certificates had increased significantly and as a result of concerns about stolen identities, applicants had to have a guarantor. The Ombudsman decided to investigate this issue on his own motion. The investigation found certain community agencies have funds to pay for birth certificates

for those who are indigent. These agencies often apply for birth certificates on behalf of their impoverished clients. We discovered that the RGB had designated a contact person for those representing vulnerable applicants and additional staff were being trained to deal with these types of applications. The RGB stated the list of those who are acceptable as guarantors for birth certificates is being expanded. It also committed to training regional staff in land registry offices to ensure they know how to identify and give appropriate referrals to those with special access needs. The Ombudsman was satisfied with the information provided by the Branch and decided to close his file but continue to monitor the situation.

**When the number** of complaints about the level and quality of service provided by the RGB increased dramatically this year, the Ombudsman initiated an own motion investigation to explore the situation. The complaints we received involved unreasonable delays in processing certificates and registrations, difficulty making telephone contact with the RGB, lengthy waiting time for service at the Toronto counter location, and lack of communication with applicants.

The Ministry responded, acknowledging the delays in service and explained that this situation was attributable to a steady series of unanticipated events commencing at the end of 2001, compounded by a major change initiative that included replacement of the RGB's information technology system. The Ministry provided a summary of the events that contributed to delay. One of the significant causes was the response to the events of September 11, 2001. The Ministry noted that since that time, the demand for birth certificates has steadily increased and the *Vital Statistics Act* was amended to strengthen the security and safeguards in place for issuing birth certificates. The Ministry stated in total the RGB has put over 100 new security measures in place to make birth information and certificate issuance more secure. The Ministry provided

operational statistics (services requested, backlogs and processing times) and described a recovery strategy to return to reasonable levels of service. During the course of the Ombudsman's review of this matter, the Ministry committed \$2.6 million to address the processing backlog. By the end of March 2004, the Ministry had hired 107 temporary staff, and advised that additional temporary staff were to be hired. The Ministry noted that the hours of operation had been extended, with RGB staff in Thunder Bay working overtime, weekends and night shifts. The Ministry also took steps to improve service at the Toronto counter location.

While the Ombudsman remained concerned about the deterioration in the level and quality of service provided by the RGB, on the basis of the steps the RGB began taking and its objective to return to reasonable levels of service by the end of July 2004, he decided that further investigation was not necessary and closed the file on this matter. The Ombudsman asked the RGB to provide monthly updates on the operational statistics to allow him to monitor the RGB's progress. The Ombudsman advised the RGB that he appreciated its response to the situation, but he questioned whether better planning and the earlier allocation of resources could have avoided these problems.

## Ministry of Health and Long-Term Care

### Consent and Capacity Board

**The Ombudsman** initiated an own motion investigation concerning the Consent and Capacity Board, after receiving a number of complaints from lawyers about its administrative practices. The Board is responsible for conducting hearings under the *Mental Health Act*, the *Health Care Consent Act, 1996*, the *Substitute Decisions Act, 1992* and the *Long-Term Care Act, 1994*. The Board's responsibilities include adjudicating matters relating to involuntary civil commitment and matters of capacity. The concerns identified by the Ombudsman related to the Board's failure to produce records and transcripts of proceedings under appeal promptly, as required by the *Health Care Consent Act, 1996* (the Act) and excessive delay in producing reasons for decision contrary to the Act, which requires the Board to produce written reasons within two business days on request. The Ombudsman also questioned the Board's procedure for safeguarding tapes, transcripts and records of proceedings under appeal.



The Board responded to the Ombudsman by explaining that it had taken several measures to improve its administrative procedures such as centralizing administration and case coordination and replacing audio/video recorded hearings with court reporting. The Chair advised that he had implemented a system for following up with Board members when written reasons are outstanding and had developed new Rules of Practice, which took effect March 31, 2004. Following a review of all available information, the Ombudsman decided to monitor the Board's efforts to improve its operations, as he was of the view that time was required to evaluate the effectiveness of the Board's new strategies.

## Trillium Drug Program

**The Ministry**, through the Trillium Drug Program, provides drug benefits to individuals who have high drug costs in relation to their income. We received a complaint from Mr. L, who suffers from a chronic illness and was prescribed medications that are eligible for reimbursement under the Program, if prescribed under certain conditions. The Program had denied Mr. L's request for reimbursement.

Mr. L maintained the Ministry's decision to deny him benefits under the Program adversely impacted his health and created financial hardship for him. During the course of the Ombudsman's investigation of Mr. L's complaint, the Ministry agreed to reimburse him \$4,360.18 for medication costs incurred for an 11-month period. The Ombudsman commended the Ministry for its decision and made informal suggestions highlighting his concerns about the communication process used to inform Program recipients and physicians of the Program's medication reimbursement criteria.

## Ministry of Natural Resources

### Field Services Division

**Two brothers** complained to the Ombudsman that the Ministry of Natural Resources was unreasonably disputing their ownership of an island adjoining their mainland lot on a river. They contended the island was part of the mainland lot purchased from the province by their great-grandfather in 1841 and only became an island as a result of flooding caused when two dams were built on the river.



Our investigation confirmed the Ministry had reviewed the ownership issue on several occasions. In 1954 and 1982, the Ministry assured the family that the island was theirs. However, in 1996, based on the assessment of technical evidence, including the original plan and survey, the Ministry decided that the island had always been an island, had never formed part of the brothers' property and was still owned by the province.

After several meetings, the Ministry offered to sell the island to the brothers for an administrative fee of \$750, provided certain conditions were met. The brothers did not meet these conditions and the Ministry later reconsidered its decision to sell the island in view of several factors: it was within a provincial park; the sale could compromise land claims negotiations; there was public interest in the site; and the island is within a significant tourist area for white water rafting.

Based on his investigation, the Ombudsman found that much of the technical evidence relating to the ownership of the island was conflicting. He noted there were a number of other interests potentially affected by the outcome of any decision regarding ownership. Under the circumstances, the Ombudsman considered that the ownership issue was more properly suited for consideration by the courts, which have the authority to make a final determination. Without resolving the ownership issue, the Ombudsman considered the impact of the Ministry's actions from the perspective of administrative fairness. The brothers said they had incurred significant costs relating to the island over the years, including local taxes, legal costs, survey costs and their time. In an investigative summary, the Ombudsman made a preliminary recommendation that the Ministry compensate the brothers for their costs and pay a sum of money that reasonably recognized the frustration they experienced, as well as the time and energy they expended, as a result of the inconsistencies in the Ministry's position.

The Ministry offered compensation conditional on the brothers agreeing to release any interest or entitlement to the island. The Ombudsman was satisfied that the offer of compensation addressed his concerns and closed the file. He requested the Ministry to continue negotiations with the brothers and asked to be copied with documentation related to the negotiations.

## Ministry of Northern Development and Mines

### Mineral Development and Lands Branch

**Mr. S**, a licensed prospector who holds several mining claims in Northern Ontario, complained to the Ombudsman that the Ministry failed to comply with the deemed approval provision in the regulations under the *Mining Act* (the Act) when it was late in notifying him of deficiencies in his

assessment work  
report.

...the Ombudsman made a preliminary

The Ombudsman's  
investigation included  
a review of

recommendation that the Ministry

the Act and  
regulations. The Act  
requires the holder of  
a mining claim to  
perform a minimum  
amount of assessment  
work annually to keep  
a mining claim in  
good standing.

compensate the brothers for their costs

The Ministry reviews assessment work reports submitted by claim holders and determines the amount of credit that can be applied to mining claims. The Act provides that when documents are served by prepaid first class mail to a licence

and pay a sum of money that reasonably

recognized the frustration they

experienced, as well as the time and

energy they expended, as a result of the

inconsistencies in the Ministry's position.

holder, the service “shall be deemed to have been made on the fifth day after the mailing.” The regulations require that the Minister notify the holder of a mining claim, in writing, if an assessment work claim is rejected for assessment work credit or a work credit is reduced. If no notice is given by the Minister within 90 days after the work report is filed, the regulations require that the eligible assessment work described in the work report receive deemed approval for assessment work credit.

In this case, the Ministry’s letter of notification was dated three days prior to the 90<sup>th</sup> day, it was postmarked on the 90<sup>th</sup> day, and was received by Mr. S, 98 days after he filed his work report. The Ministry took the position that the regulations provide the Minister with 90 days from the date of filing to send the notice and the Act allows the Ministry to assume Mr. S received the notice five days after it was mailed.

The Ombudsman notified the Ministry that it was his preliminary opinion that it was not unreasonable for Mr. S to expect that he should have received the Ministry’s notice by the 90<sup>th</sup> day. The Ombudsman did not find the Ministry’s position, that the process set out in the Act for service does not apply to the notice required to be sent under the regulations, to be persuasive. The Ombudsman expressed the view that, if the Ministry were correct in its view that the Act’s service provisions did not apply, in the absence of a statutorily-mandated method of determining when notice or notification had been given, actual notice would be required. It was the Ombudsman’s view, consistent with administrative fairness principles, that notification generally includes not just the act of sending a notice but the act of receiving it as well.

The Ombudsman notified the Ministry that it was his preliminary opinion that Mr. S did not receive the Ministry’s notice within 90 days after his work report was filed and the eligible work in the work report should have

received deemed approval in accordance with the regulations. He noted that the Minister’s Mining Act Advisory Committee (MMAAC) had recommended that notice should be sent on the 85<sup>th</sup> day and the Ministry had since changed its practice to meet this timeline. On the basis of the information obtained in the investigation, the Ombudsman informed the Ministry that he was considering recommending that it deem all of Mr. S’ assessment work report approved and credit his mining claims accordingly.

The Ministry accepted the Ombudsman’s preliminary recommendation and agreed to approve Mr. S’ assessment work report. While the Ministry did not agree with the Ombudsman’s position on the regulatory notification timelines, it confirmed that its current practice of sending a notice in 85 days will continue, as the Ministry in consultation with the MMAAC, determined that there might otherwise be some confusion about the timing of the notice. The Ministry added that it would be considering the need for further clarification of the regulation to avoid future questions about its interpretation. The Ministry’s response satisfied the Ombudsman’s concern with respect to this issue.

## Ministry of Training, Colleges and Universities

### Colleges of Applied Arts and Technology

**The Ombudsman** initiated an own motion investigation into the administrative practices of a College of Applied Arts and Technology, after his review of an individual complaint revealed a number of systemic issues. The Ombudsman was specifically concerned about the College’s practices relating to academic dishonesty and protocols regarding communication and confidentiality.

The Ombudsman expressed concern that the Academic Dishonesty Policy did not specify which steps were to be followed in the case of a single or multiple academic offences. The Ombudsman also identified concerns about the lack of protection of confidential student information in academic offence matters. In response to the Ombudsman's concerns, the Acting President of the College advised that he was in the process of taking steps to redress the issues identified by the Ombudsman. A College Council was established, representing all employee groups, to review and develop College policy, and specifically the Academic Dishonesty Policy. The Acting President committed to updating the Ombudsman regarding the progress of development of this policy. The Acting President acknowledged that the Ombudsman's investigation clearly disclosed a wanton disregard of policy, process and respect for confidential matters and indicated that the responsible individual was no longer with the College. The Ombudsman was satisfied with this response and closed his file.

to 1:1. A local roads board complained to the Ombudsman that the Ministry had inappropriately "clawed back" funds being held to its credit for local road work, when the Ministry applied the new funding formula in 1997.

In an investigative summary, the Ombudsman noted that based on his review of the relevant legislation, it appeared the Minister had a duty to spend the money credited to a local roads board on the local roads area. He reached the preliminary opinion that the Ministry was unreasonable to adjust the balance of the board's account by removing funds and made the preliminary recommendation that the Ministry credit the board with the monies owing. After reviewing this summary, the Ministry met with officials from the board and agreed to credit it with over \$17,000, which represented the amount that the Ministry had originally taken back.

## Ministry of Transportation

### Northwestern Region

**Local roads boards** can be established in territories that are not within an organized municipality. These boards, with the approval of the Minister, determine the work to be done on local roads and may levy a sum annually on the taxable land in a local roads area. The amount collected by a local roads board is paid into the Consolidated Revenue Fund and credited to the board. Prior to 1996, the Minister credited local roads boards with an amount equal to twice the amount collected. As a result of a legislative change effective 1996, the Minister was to credit a board with an amount "not exceeding" twice the amount received from the board. In 1997, the Ministry changed its funding formula from a contribution of 2:1

# Year in Review



# Inside Ombudsman Ontario

Ombudsman Ontario's corporate structure consists of three units: Complaint Services, Corporate Services and Legal Services. The core business of the organization – the intake, early resolution and investigation of complaints regarding provincial governmental services – is delivered by Complaint Services. Legal Services conducts reviews and investigations of complaints about final decisions of tribunals. Corporate and Legal Services also provide expertise, support and resources to ensure our overall service delivery is efficient, effective, economical and essential.

Organizational culture, structure and staff successes go hand-in-hand. Ombudsman Ontario recognized three years ago that it needed to create within its workplace a sense of community that reinforced the notion of staff being colleagues, respected for the strengths that they bring to the organization and supported when developmental needs and opportunities are identified.

Building on our past strengths, we have increased our efforts to further our application of internal and external customer service principles and quality service delivery strategies. We have established a leadership philosophy amongst staff that promotes participation, innovation and creativity – truly becoming a learning organization.

## Complaint Services

During this past year, Complaint Services continued its focus on reviewing and changing existing practices and procedures to enhance its service delivery. One activity involved the process mapping of all existing complaint handling functions. This extensive process led to the elimination of duplication, streamlining of processes and the reallocation of decision-making to staff closest to the issue at hand. Work continues to map the revised processes, which

will result in the creation of a useful training tool and quality assurance mechanism.

Other accomplishments include the creation of service definitions, setting out the mandate and reporting structure of Complaint Services, as well as the program definition and service management of each team within Complaint Services; the development and implementation of quality assurance checklists for file management; increased opportunities for staff development through acting assignments to support succession planning; and the development and implementation of a competency-based performance management system.

Training continued to be a priority this year resulting in increased opportunities provided to staff both internally and externally. Staff's knowledge of government programs has been enhanced by attendance of guest government speakers at team meetings, as well as through our participation in government sponsored training programs. Staff participated in training covering such topics as complaint analysis and evidence gathering.

## Corporate Services

In 2002, we undertook an extensive audit of our human resources practices. During this past year, a great deal of effort has been made to implement the recommendations of that audit. Achievements include the creation of a staff position dedicated to training and recruitment; the updating and/or development and implementation of several policies and procedures including those relating to first aid, code of ethics, security, and religious accommodation. A job classification review was initiated. With Human Resources well underway with its responses to the audit recommendations, during this past year we initiated an audit of our financial procedures,

practices and resources. The findings of this audit were delivered in the spring of 2004 and will be considered in the next fiscal year.

Our management team clearly understands its role of supporting and coaching staff to achieve their optimum performance under the umbrella of our mission statement, corporate values and organizational policies. To further support the development of our management team, Ombudsman Ontario has established a Management Certificate Program, which provides training on a range of topics relevant to our needs.

The theme for our annual staff conference, held in the fall of each year, focused on "Excellence in a Changing Environment" and emphasized topics on customer service and capability development areas.

The majority of Ombudsman Ontario staff are represented by the Office and Professional Employees International Union (OPEIU). With a collective agreement set to expire on March 31, 2004, contract talks commenced in January 2004 and resulted in a three-year collective agreement negotiated prior to the expiration of the existing contract.

During the SARS epidemic, Ombudsman Ontario developed an emergency response plan that was also put into use during the Province-wide blackout in August 2003.

Ombudsman Ontario continued to enhance the effectiveness of its information systems. A new operating system was installed, allowing for improvements to our case management system. An additional 1-800 number was acquired to provide toll-free access to complainants wishing to contact us by fax machine.

Increasing public awareness of our organization is part of the strategic direction of the Community Education Program (CEP). The public of Ontario has a right and a need to be aware of the availability of the Ombudsman, that our important public service is confidential and is provided at no

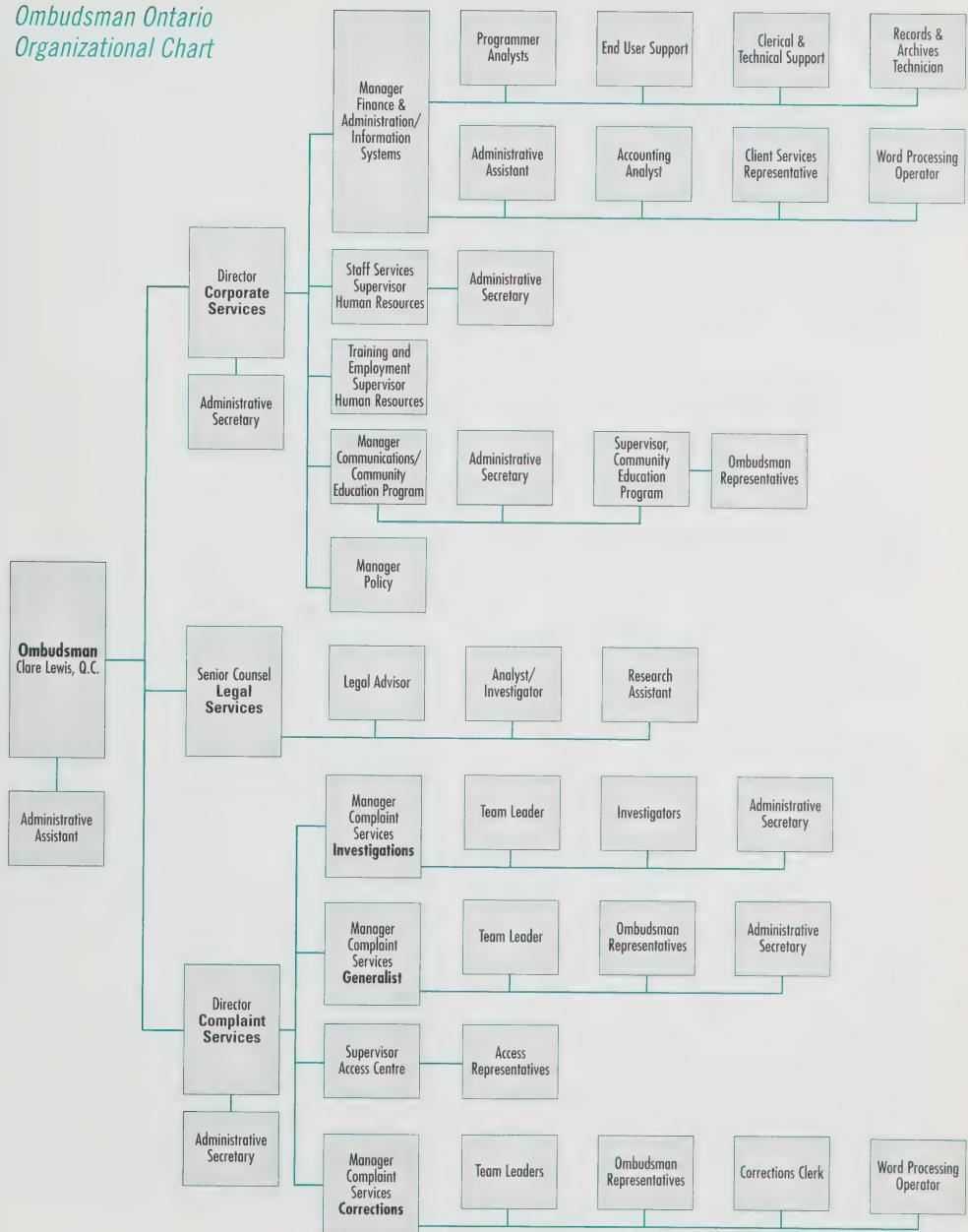
cost to the complainant. This year our advertising and promotional campaign set out to support the CEP team's efforts and included the continuation of our public service announcement (PSA) on television stations as well as the introduction of the PSA on radio stations across Ontario. Deliberately focusing our efforts in the Greater Toronto Area (GTA) where past surveys found our profile was the lowest, advertising placed with various ethnic media was further strengthened by print advertising placed in commuter newspapers and posters on subway platforms. As a result, the proportion of people from the City of Toronto and the GTA who said they heard about Ombudsman Ontario through the media, rose from 15 per cent to 24 per cent during the year.

Ombudsman Ontario staff's efforts to support local charities resulted in almost \$14,000 raised from special events and payroll deductions.

## Legal Services

Legal Services revised policies relating to conflict of interest, political activity and delegations. They also identified and implemented technical legal training strategies for Complaint Services. An annual internal customer service satisfaction survey was completed. Legal Services also initiated a review of operational issues to enhance efficiency, effectiveness and resource utilization and simplified electronic accessibility of their electronic resources. Legal Services supported the Ombudsman's submissions on Bill 31, the *Health Information Protection Act, 2004*, to the Standing Committee on General Government.

## *Ombudsman Ontario Organizational Chart*



# Complaints About Us

Since 1996, Ombudsman Ontario has maintained a system to review complaints from the public and government employees who are dissatisfied with the manner in which Ombudsman Ontario handles a complaint. Our "Complaints About Us" program is a valuable asset in our efforts to improve our service delivery and provide fair and accountable service.

Complaints we receive are classified into one of three categories: complaints about decisions, opinions or the disposition of a file; complaints about staff conduct; and, complaints about Ombudsman Ontario policies and procedures.

During the fiscal year 2003-2004 Ombudsman Ontario reviewed 30 complaints made about our office, an increase of 15 complaints from last fiscal year. Many of the complaints reviewed this year fell into more than one classification: 18 concerned the decision, opinion or disposition of a file, 15 were about staff conduct and nine related to Ombudsman Ontario policies and procedures.

Of the 30 complaints reviewed, 20 were resolved on an informal basis and ten required a more lengthy review of the circumstances involved. The resolutions of the 30 complaints are as follows:

- An apology was issued to complainants in nine cases, and in one case compensation was paid along with the apology.
- A letter was sent explaining and upholding the decision in seven cases.
- The file review process was explained in three cases.
- Following a review of the circumstances, the complaint was unsubstantiated in 11 cases.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file. Alternatively, you may forward your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail at [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or visit our web site at [www.ombudsman.on.ca](http://www.ombudsman.on.ca).



# Creating an Internal Complaints Process

The Ombudsman encourages governmental organizations to create their own internal complaints processes. Such processes give an organization an opportunity to assess whether it is meeting its service standards and to improve service delivery. The following are some criteria the Ombudsman suggests be considered when creating an internal complaints process:

## What is a complaint and who can complain?

- The term complaint should be broadly defined to ensure it captures the various forms of dissatisfaction expressed by persons dealing with the organization.
- Complaints should be encouraged from anyone unless the nature of the organization's services suggests there is a reason to limit who can complain to them.

## Who will handle complaints?

- To ensure its credibility, effectiveness and accountability, the internal complaints process should receive appropriate resources and a senior official should be responsible for its administration.
- To ensure greater confidence in the process, the internal complaints process should be functionally independent from the rest of the organization.

## Policy and Procedures

- The internal complaints process should be clearly set out in policy and procedures.
- Organization staff should be:
  - trained on the internal complaints process;
  - required to cooperate in the complaints process (e.g., give evidence if necessary); and
  - encouraged to refer the public to the internal complaints process.

- The public should be provided with information regarding the internal complaints process; this can be done through standard correspondence, brochures, websites, government directories and other methods.
- The internal complaints process should be accessible; complaints should be accepted in as many forms as possible (e.g., by telephone, writing, e-mail, TTY, in person).
- The internal complaints process should provide for accommodation for those with special needs (e.g. persons with disabilities, language requirements).

## Dealing with Complaints

- Complaints should be acknowledged once received and complainants should be told at the outset what they can reasonably expect from the complaints process.
- Complaints should be resolved within a reasonable timeframe. Complainants should be kept informed while their complaint is being considered and any delays honestly explained.
- The individuals responsible for considering complaints should have sufficient authority to obtain the necessary information and effect resolutions; consideration should be given as to whether complaints may be mediated, investigated or both.
- Time and resources should not be wasted on complaints that are frivolous, vexatious, made in bad faith or are too old or vague to properly assess. The internal complaints process should provide for discretion to dismiss such complaints.
- In accordance with principles of administrative fairness, those affected by the complaint should be given an opportunity to comment on any information adverse to their interests before any decision regarding resolution is made.

## Administration of Complaint Documentation

- Complaints and their resolution should be documented; a process should be established for complaint file storage and if appropriate, retrieval.
- Access to complaint files should generally be limited to ensure confidentiality and the integrity of the complaints process and must be consistent with any relevant legislative requirements.

## Resolution of Complaints

- The outcomes available through the internal complaints procedure should be flexible. The ability to admit errors and apologize for them should be seen as not a weakness but a strength. Officials should be encouraged to express sincere regret when errors have been made. In appropriate circumstances compensation should be paid.
- Reasons should be provided for decisions made regarding complaints.

- If a person persists in complaining about the same issue, after it has been seriously considered and reasons provided for not supporting it, the organization should have the ability to state that it will not consider the complaint further.
- If a complaint regarding inappropriate staff conduct is supported, consideration must be given to the relationship between human resource management policies, collective agreements and employment agreements.

## Reporting and Monitoring

- There should be some system for reporting back to the public about complaints received and outcomes.
- There should be a monitoring mechanism to ensure that individual resolutions are implemented and systemic problems identified by complaints are remedied.



# Salary Disclosure

The following list of those earning \$100,000 or more in T4 income for the year 2003 is being reported in accordance with the *Public Sector Salary Disclosure Act, 1996*:

## Clare Lewis, Q.C., Ombudsman

T4 Income	\$181,576.59
T4 Taxable Benefits	\$1,700.92

## John Allan, Manager, Finance, Administration/Information Systems

T4 Income	\$106,700.56
T4 Taxable Benefits	\$176.25

## Peter Allen, Director, Corporate Services

T4 Income	\$125,478.52
T4 Taxable Benefits	\$233.66

## Lenna Bradburn, Director, Complaint Services

T4 Income	\$138,915.05
T4 Taxable Benefits	\$252.62

## Laura Pettigrew, Senior Counsel

T4 Income	\$141,623.65
T4 Taxable Benefits	\$265.34

## Wendy Ray, Senior Counsel

T4 Income	\$141,623.65
T4 Taxable Benefits	\$265.34

## *Unaudited Statement of Expenditure for the year ended March 31, 2004\**

Expenditure	2003-2004 Estimates \$	2003-2004 Actual \$	2002-2003 Actual \$
Salaries & Wages	5,462,200	5,379,576	5,060,998
Employee Benefits	1,213,500	1,043,618	855,992
Transportation & Communication	561,900	432,306	430,334
Services	1,528,000	1,672,219	1,572,156
Supplies & Equipment	259,000	415,844	568,995
Sub Total	9,024,600	8,943,563	8,488,475
Less Miscellaneous Revenue	0	15,937	18,405
<b>Net Expenditure</b>	<b>9,024,600</b>	<b>8,927,626</b>	<b>8,470,070</b>

\*Note: The above statement has been prepared on a modified cash basis of accounting. At the date of publication, the above financial statement had not been audited, however, the accounts and transactions of Ombudsman Ontario are audited annually by the Provincial Auditor.

# Focus on Corrections

Ombudsman Ontario has a team which deals with early resolution of correctional issues. Over the course of the year, staff toured and conducted intake clinics at 15 facilities and conducted training and information sessions for correctional officers and college correctional worker program students. Members of the correctional team also attended Regional Directors meetings to exchange information and address areas of concern.

The Ombudsman continued with his commitment to personally visit adult and youth correctional facilities. He toured eight facilities across the province. These visits are of value in identifying issues that need to be addressed. They provide an opportunity for the Ombudsman to speak with inmates personally and to discuss the unique challenges presented in the corrections environment with senior officials, as well as front line correctional staff. At several of the facilities, it became apparent that our posters, which advise inmates who we are and how to contact us, need to be more visible. The Ombudsman spoke to correctional officials regarding this matter to ensure that our information posters are displayed prominently in the inmate living units, including segregation. An internal review of our correctional posters also resulted in a redesign to provide clear and concise information about our process. The pre-addressed confidential complaint letters that are provided for inmate use were also revised.

Ombudsman Ontario and Ministry of Community Safety and Correctional Services' staff continue to meet on a quarterly basis to discuss issues of interest and concern. This forum presents an excellent opportunity for resolving complaints, particularly those involving systemic issues. For example, this year our office received complaints from Muslim inmates from various facilities claiming they were not provided with appropriate diets, prayer mats, holy books or permitted to wear

religious headgear. Our enquiries revealed that each facility dealt with these issues differently. One facility had provided extra towels to be used as prayer mats, but correctional officers had confiscated them from Muslim inmates because they exceeded the standard inmate towel allotment and were considered contraband. When our office raised this concern with the facility, a directive allowing Muslim inmates to retain the extra towels was issued. In another facility, blue towels were being provided for prayer mats to avoid officers confiscating them. It was apparent there was substantial inconsistency across the province in the way facilities dealt with issues involving the practice of the Muslim religion. We raised this matter with the Ministry and, as a result, the Ministry amended and improved its existing policy regarding the treatment of Muslim inmates.

Over the past year, our office received complaints from inmates that their letters to the Ministry's Senior Medical Consultant and Senior Nursing Consultant about medical concerns were being submitted unsealed and reviewed by facility staff before they were mailed. The inmates believed these letters should be considered confidential given their subject matter. As a result of discussions with the Ministry, a new procedure was developed to ensure that correspondence between these Consultants and inmates is designated as privileged and delivered unopened.

Another issue we have addressed with the Ministry involves the relationship between our office and private contractors providing correctional services on behalf of the Ministry. We continue to work with the Ministry to ensure that inmates have a right to complain to the Ombudsman about privatized correctional services and that such complaints are resolved expeditiously.

Throughout the year, our Investigations Team monitored the Ministry's progress in meeting its commitments in a variety of areas that were addressed by the Ombudsman in his previous Annual Report. One such issue was the overcrowding of correctional facilities. Last year, the Ombudsman reported on his own motion investigation into the Ministry's routine practice of placing three inmates in cells designed to hold, at most, two people. Triple-bunking means that one inmate must sleep on a mattress on the floor, and the practice was found to be a particular problem in the Greater Toronto Area (GTA). The Ombudsman advised the Ministry that he believed this practice punished inmates in a manner not demanded by their detention and for no reason other than the Ministry's lack of capacity. Over the past year, steps taken by the Ministry include renovations at the Maplehurst Correctional Complex in Milton and the opening of the Central East Correctional Centre in Lindsay and the Vanier Centre for Women in Milton, which have all assisted with relieving overcrowding pressures in the GTA. Consolidation of the women's facility at Milton also freed up space in one unit at the Hamilton-Wentworth Detention Centre (HWDC) for additional male inmate beds. The Ministry has also advised that the Toronto Jail, originally slated for closure, will remain open for the foreseeable future. While necessary repair work at the Toronto East Detention Centre, which commenced in October 2003, temporarily reduced the beds available, the Ministry advised that it planned for reallocation of bed capacity at the Central North Correctional Centre. The anticipated completion date for the work in March 2004 was not met because of problems encountered in one building. Our office will continue to monitor the Ministry's efforts at addressing overcrowding in correctional facilities.

The situation at a detention centre, which had failed to offer daily fresh air (yard) to inmates for prolonged periods in contravention of Ministry policy, was also monitored. The Ombudsman reported on this own motion investigation last

year and the fact that the facility was taking steps to rectify the problem. The Ministry has advised that a combination of the measures introduced by the facility to deal with yard, decreased inmate volume and increased staffing have contributed to the facility's ability to provide daily yard to inmates.

Another investigation reported on last year, involved an inmate at a facility who had not received a clean clothing change (including a weekly minimum of seven sets of laundered underwear) in 30 days. Our investigation found some inmates at the facility had gone 45 days without a change of clothing. As a result of our investigation, the facility implemented measures to ensure compliance with the Ministry's policy regarding clothing changes. Our Investigations Team monitored the outcome of the facility's efforts over the course of the year. We determined through review of our statistics and communication with the Ministry that the laundry service at the facility had improved. The Ministry suggested this was owing to a number of factors including an increase in the volume of clothing acquired, a decrease in the inmate volume and the introduction of a computerized system for recording laundry stock.

The Ombudsman also reported last year that a correctional facility had been serving meals at a temperature that contravened the *Health Protection and Promotion Act*. Since that time, the facility has changed its system for food provision.

Our Corrections Team's telephone intake hours were expanded and internal improvements, including the streamlining of telephone intake with an upgraded automatic call distribution technology, have resulted in a more efficient process. Complaints received in writing from inmates are now being assigned to staff within two to three days of receipt and the backlog of complaints involving provincial correctional services was successfully reduced to zero.

# Connecting to Ontario's Communities

Community outreach is facilitated across the province by a dedicated team of four Ombudsman Ontario staff in the Community Education Program (CEP). The team developed a strategic approach to increase awareness of Ombudsman Ontario, particularly among economically disadvantaged people, youth and racial minorities. During this fiscal year, the CEP team focused on service providers and key community representatives and groups (connectors). The impact of the CEP strategic approach is demonstrated by an increase in the proportion of complainants who have heard about the Ombudsman from social service agencies over the last year. The proportion of young complainants, individuals under 25 years of age, is also up in the same period. The proportion of people of racial minorities complaining to Ombudsman Ontario is higher than it has been in the past two years.

The CEP team completed 564 outreach activities including workshops, information sessions, and presentations at conferences, booths at special events and networking events. The team also facilitated 11 "How to Complain Effectively" and "Train the Trainers" workshops and presentations at major provincial conferences of service providers. Ombudsman Ontario outreach activities last year were at a seven year high with an approximately 46 per cent increase over outreach activities conducted in the previous year.

The CEP undertook a number of initiatives to ensure information about Ombudsman Ontario is widely distributed. The CEP developed a group e-mail list system to send regular e-mails to over 2,000 human service organizations in the Greater Toronto Area with projected expansion planned for the rest of the province in September 2004. Short articles on the service provided by Ombudsman Ontario were also sent to service providers and support groups among others, for publication online or in organizational newsletters. Information packages were mailed to all Ontario Members of Provincial Parliament (MPPs)

as well as federal Member of Parliament constituency offices. The CEP contacted the constituency offices of MPPs to provide their staff with an opportunity to have their questions answered as well as to learn more about how Ombudsman Ontario could assist their constituents.

The CEP launched a series of Community Connections Lunch and Learn sessions to raise Ombudsman Ontario staff awareness of community issues and concerns. Dynamic speakers from diverse community organizations involved with issues such as housing, new immigrants, and the South-East Asian community, shared their insights, concerns and suggestions about how Ombudsman Ontario could assist their consumers.

## How to complain effectively

"How to Complain Effectively" is a how-to, hands-on participatory workshop to increase skills and confidence in complaining effectively. The "Train the Trainers" component of the workshop provides the experience, skills and knowledge for participants to facilitate this workshop with groups in their own community. The workshop forms part of the CEP's initiatives to increase awareness of Ombudsman Ontario services among "key connectors" in communities.

The workshop focuses on the barriers that exist to effective complaining and why the right to complain is important. A complaints-continuum is developed with input from the participants and an exercise to identify different complaining styles is facilitated. Three types of complaints are identified and Ombudsman Ontario case studies are examined to identify process and referral sources. Suggestions about how Ombudsman Ontario may be helpful to the participants' clients are explored along with how to make appropriate referrals. Detailed workshop notes and handouts are distributed and there is discussion on tips for facilitation. The workshop is available free of charge across the province.

# “SMART” Complaining Checklist

Developed from input through a series of community workshops facilitated in 2003

## Specific/Support

- Are you being specific about your complaint?
- Are you dealing with a specific person who can change policy or reverse decisions?
- Do you have support? Have you consulted with friends or colleagues?
- Is there an organization that could offer support?
- Do you have all the facts, documents to support your position?

## Measurable

- Is there a way to measure the impact of the problem? Has it cost you?
- Is what you are hoping to achieve measurable?
- What exactly will satisfy your complaint? How much would you be willing to compromise?

## Achievable/Anger

- Is your goal achievable? Are you presenting clear, factual evidence?
- Are you channeling your anger positively (to energize and motivate you rather than negatively expressing it)?

## Respectful/Reasonable

- Are you behaving in a respectful, courteous manner: treating others as you would like to be treated?
- Are your expectations reasonable?

## Tracking

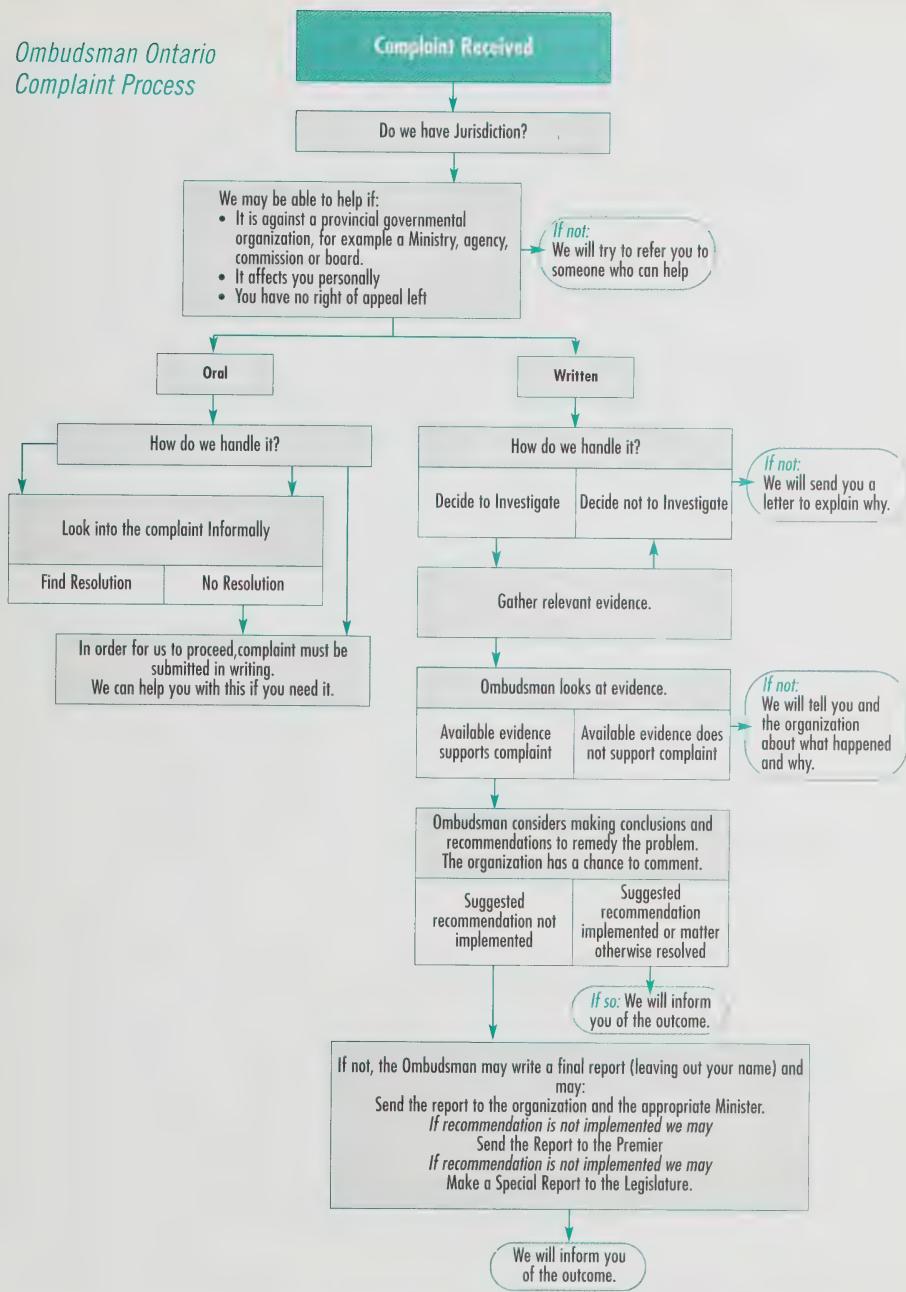
- Are you tracking your progress, (keeping a detailed record of calls, letters, and responses)?

# Complaints



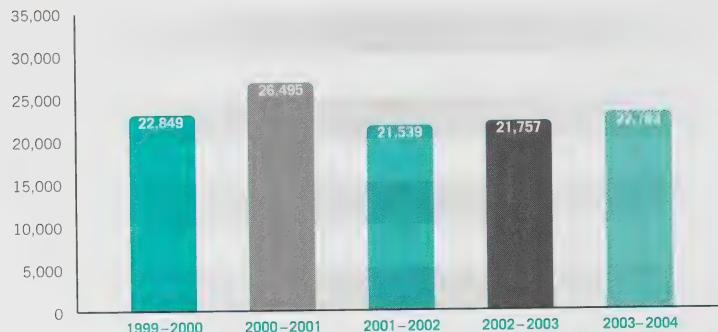
# Ombudsman Ontario

## Complaint Process



# The Story in Numbers

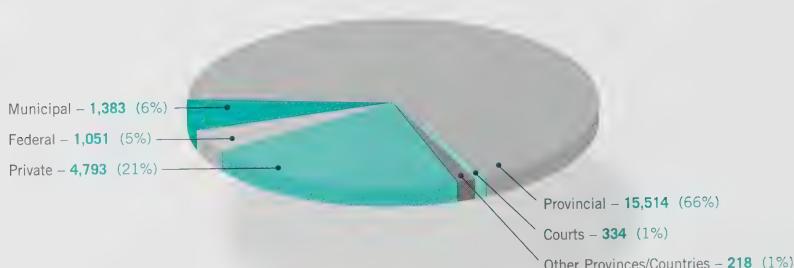
## *Total Complaints and Enquiries Received: Fiscal Years 1999–2000 to 2003–2004*



Ombudsman Ontario received 22,753 complaints and enquiries during 2003–2004, an increase of 996 complaints and enquiries over the previous year. Two-thirds of the complaints and enquiries concerned provincial government

organizations, with the remaining complaints and enquiries concerning municipal and federal government issues, other jurisdictions, private organizations and the courts.

## *Complaints and Enquiries: Closed During 2003–2004*

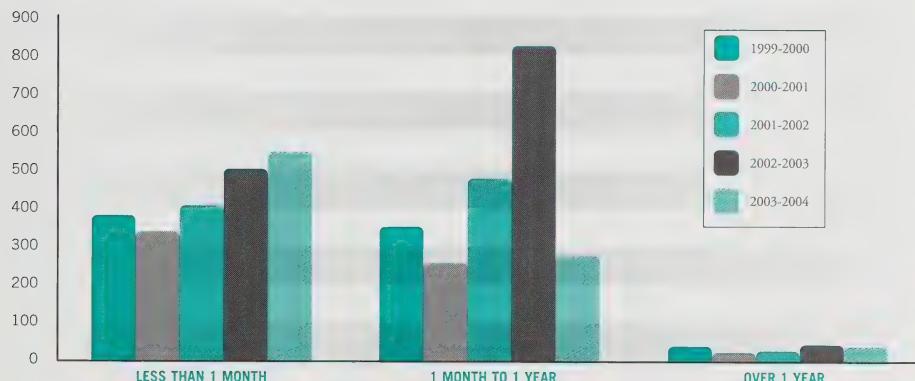


Seventy-five per cent of complaints and enquiries were received by telephone, 15 per cent were submitted by letter or fax, two per cent were communicated in personal interviews with Ombudsman Ontario staff, and under one per cent were received from a Member of Provincial Parliament or initiated by the Ombudsman as an own motion investigation.

Complaints and enquiries submitted via the Internet increased to seven per cent; the fourth consecutive year

we have shown an increase in this area. This growing trend reflects the broader social trend towards electronic communication. To facilitate increased public access to our website, our promotional material is published with our website address and linkages from other strategic websites are encouraged. Our website has averaged 362 visits per day this year. Because of confidentiality concerns Ombudsman Ontario responds to electronic communications by mail or telephone.

### *Age Distribution of Open Complaints and Enquiries at Year End Fiscal Years 1999-2000 to 2003-2004*



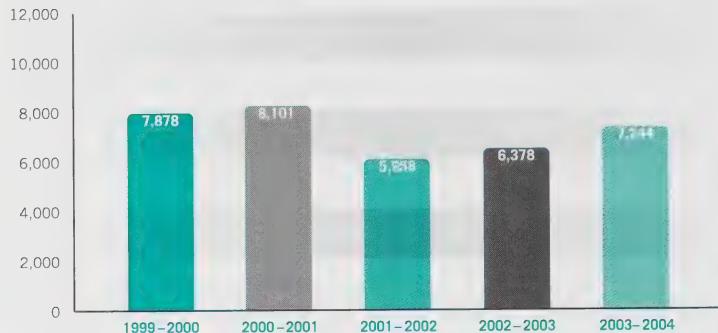
### **At the End of the Year**

Our staff worked very hard to clear the complaints remaining at the end of the 2002-2003 fiscal year that resulted from the provincial government labour dispute in the Spring of 2002. As a result, only 821 complaints and enquiries remained open at the end of the 2003-2004 fiscal year compared to 1,361 at the end of the previous year.

### **General Provincial Government Complaint and Enquiry Trends**

As the graph that follows illustrates, complaints and enquiries about general provincial governmental organizations increased by more than 13 per cent in 2003-2004. The Registrar General Branch reflected a significant increase to almost 500 complaints and enquiries compared to last year's figure of 116, primarily concerning delays in the issuance of certificates.

## General Provincial Government Complaints and Enquiries\* Received: Fiscal Years 1999–2000 to 2003–2004



\*Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government agencies and organizations, excluding Ministry of Community Safety and Correctional Services' correctional facilities, Ministry of Children and Youth Services' Young Person facilities, Ontario Parole and Earned Release Board and Probation and Parole Services.

The top three provincial programs registering the greatest number of complaints and enquiries remained unchanged from 2002-2003; they are the Family Responsibility Office (1,467), the Workplace Safety and Insurance Board (780), and the Ontario Disability Support Program (648).

Together, these three accounted for almost 40 per cent of the general provincial government complaints and enquiries received by Ombudsman Ontario this fiscal year.

## Top 10 General Provincial Government Organizations Complaints and Enquiries Received: Fiscal Year 2003–2004

Rank Last Year	Organization/Program	Complaints/Enquiries	Percentage of Total
1	Family Responsibility Office	1,467	20.3
2	Workplace Safety and Insurance Board	780	10.8
3	Ontario Disability Support Program	648	8.9
15	Registrar General Branch	492	6.8
5	Ontario Student Assistance Program	299	4.1
4	Workplace Safety and Insurance Appeals Tribunal	244	3.4
7	Ministry of Transportation – Driver Licensing	201	2.8
10	Hydro One Networks Inc.	185	2.6
9	Legal Aid Ontario	183	2.5
6	Ontario Human Rights Commission	167	2.3

## Adult Correctional and Young Person Facilities

Complaints and enquiries about provincial government adult correctional and Young Person facilities increased by over six per cent from 7,271 in 2002-2003 to 7,727 in 2003-2004. This increase may relate, in part, to operational changes implemented by Ombudsman Ontario this year that have permitted an increase in our telephone hours in which complaints and enquiries are received from inmates in the

correctional facilities. Ombudsman Ontario streamlined the processing of some complaints and enquiries. Similar complaints and enquiries were grouped together resulting in a reduction in the total number of enquiries made by staff to the facilities. As well, Ombudsman Ontario discussed long-term solutions with the Ministry of Community Safety and Correctional Services to reduce similar complaints and enquiries in the future.

### *In Order of Frequency, the Most Common Types of Jurisdictional Complaints Investigated by Ombudsman Ontario This Year Were:*

#### Types of Complaints

- 1 Failure to adequately or appropriately communicate with a complainant
- 2 Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence
- 3 Inadequate or improper investigation conducted
- 4 Adverse impact or discriminatory consequence of a decision or policy on an individual or group
- 5 Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner
- 6 Denial of service
- 7 Failure to keep a proper record
- 8 Unreasonable delay
- 9 Insufficient reasons for a decision or no reasons given
- 10 Harassment by a governmental official; bias; mismanagement; bad faith
- 11 Failure to provide sufficient or proper notice
- 12 Unfair settlement imposed; coercion
- 13 Omission to monitor or manage an agency for which the governmental organization is responsible

## Delivering Results

Active March 31, 2003	Received 2003-2004	Closed 2003-2004	Active March 31, 2004
1,361	22,753	23,293	821

While 22,753 complaints and enquiries were received during 2003-2004, 23,293 complaints and enquiries were actually closed by the end of the fiscal year. Not all complaints and enquiries are closed in the year they are received. As the chart above demonstrates, each fiscal year begins and ends with an active case load that accounts for the difference in the received and closed numbers.

Of the complaints and enquiries closed, over 66 per cent concerned provincial government organizations.

Complainants received a resolution or a referral in over 86 per cent of cases. Seven per cent were withdrawn or abandoned by the complainant. As well, 10 own motion investigations were completed this year, eight of which led to changes in government policies or procedures.

## In a Timely Fashion

In keeping with our early resolution standards, 75 per cent of complaints and enquiries were resolved informally within

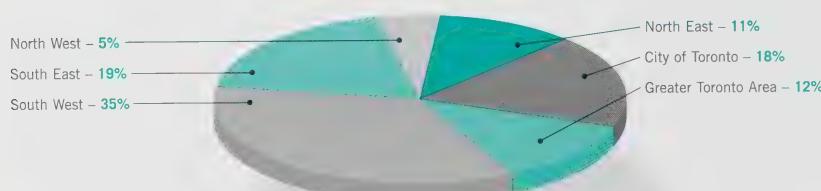
28 days of receipt. Fifty per cent were actually closed within six days. More complex complaints requiring a formal investigation were resolved in an average of 11 months, representing an improvement of two months over last year. The implementation of Ombudsman Ontario's standard protocols for communicating with some provincial governmental organizations prior to initiating an investigation may have contributed to this improvement.

## Complainant Profile

A total of 17,683 individuals contacted our office this year with 22,753 complaints and enquiries. Individuals generally have one issue of concern when they contact Ombudsman Ontario, however, in cases in which more than one issue is raised, each concern is recorded in our electronic information system and pursued to a resolution.

The chart below indicates the provincial regions in which complainants (excluding those in adult correctional and Young

### *Geographic Distribution of Complainants Excluding Correctional Complainants*



Person facilities) resided when they contacted our office with a complaint or enquiry. The provincial region is extracted from postal code information that is requested of all individuals contacting Ombudsman Ontario. The chart demonstrates that the majority of our complaints and enquiries are received from individuals living in southwest Ontario, an area stretching from Windsor to Hamilton, Barrie and Wasaga Beach. This percentage is unchanged compared to the previous year.

The City of Toronto saw an increase of individuals contacting our office from 14 per cent in 2002-2003 to 18 per cent in 2003-2004. This increase is largely attributable to the Community Education Program and the media campaign targeting the City of Toronto and the Greater Toronto Area throughout the year.

In addition to determining the geographic location of our complainants from the postal code, individuals contacting our office are asked to complete a survey to determine their demographic profile. Completion of the survey is voluntary and anonymous. Information is collected about gender, age, race, parental status, disability and household income. The survey results help us identify groups that are under-represented as complainants to our office, given their proportion of the population. The survey results also identify the type of complaints and enquiries brought forward by various groups and provide us with the opportunity to track emerging issues of concern for the Ontario public. This year, 73 per cent of complainants who contacted our office completed the survey.

## *Demographic Profile by Race*

Racial Group	Percentage of Individuals Surveyed
White/European	84
Racial Minority*	10
Aboriginal/First Nation	2
No answer	4

\* Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

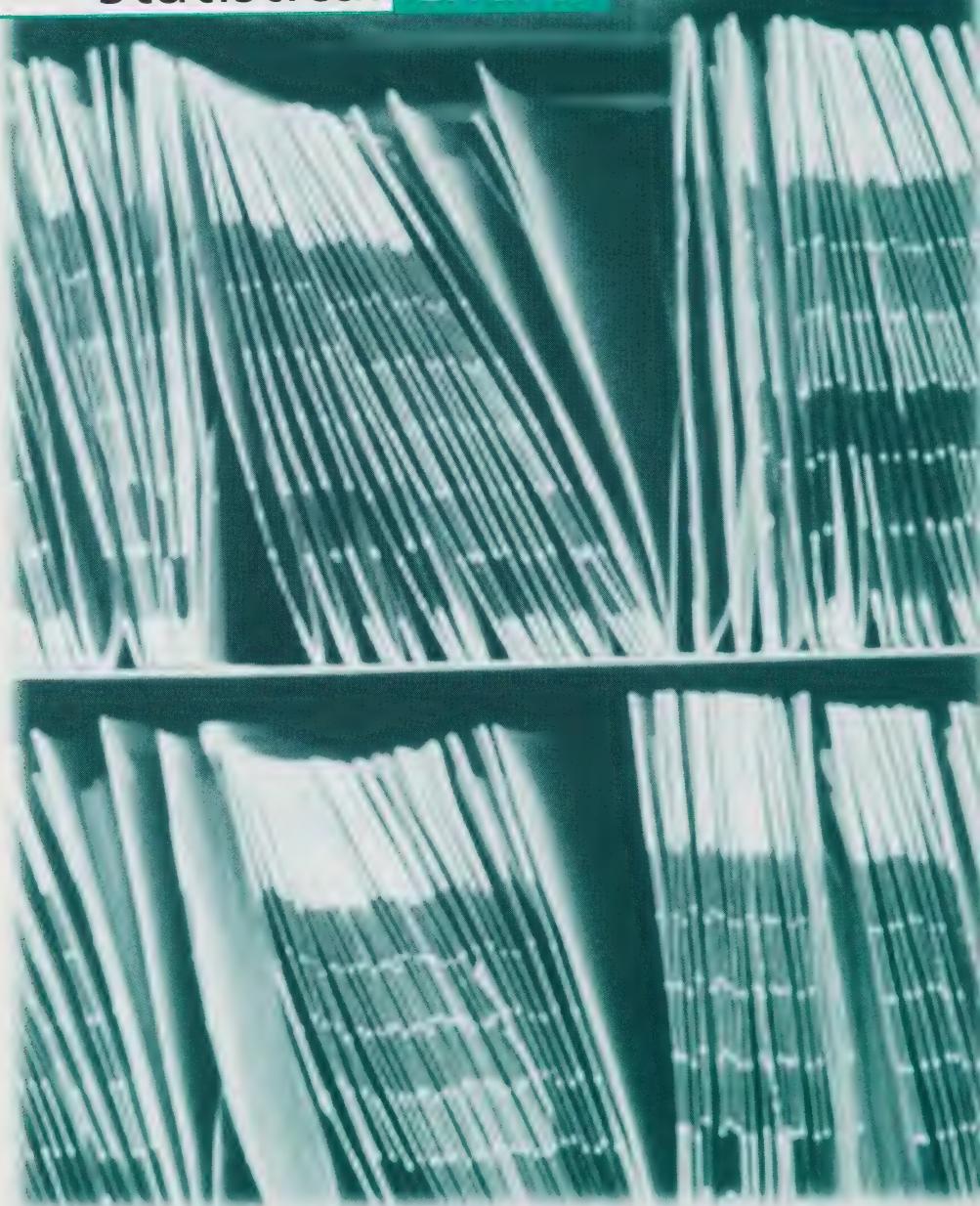
## *Demographic Profile — Selected Groups*

Group	Percentage of Individuals Surveyed
People with disabilities	28
Sole-support parents	14
Youth — under age 25	4
Seniors — age 65 and over	8

The 2003-2004 fiscal year saw some minor shifts in the survey results compared to last year. For example, the percentage of respondents identified as youth (under 25 years of age), rose

from three to four per cent. More significantly, the percentage of respondents identifying themselves as disabled fell from 33 to 28 per cent.

# Statistical Charts



*Complaints and Enquiries Received 2003-2004 by Provincial Riding (excluding complaints and enquiries about adult correctional and Young Person facilities)\**

Riding	Total	Riding	Total	Riding	Total
Algoma — Manitoulin	286	Kingston and the Islands	155	Renfrew — Nipissing — Pembroke	142
Ancaster — Dundas — Flamborough — Aldershot	86	Kitchener Centre	138	Sarnia — Lambton	158
Barrie — Simcoe — Bradford	168	Kitchener — Waterloo	127	Sault Ste. Marie	534
Beaches — East York	131	Lambton — Kent — Middlesex	122	Scarborough — Agincourt	46
Bramalea — Gore — Malton — Springdale	89	Lanark — Carleton	109	Scarborough Centre	98
Brampton Centre	91	Leeds — Grenville	134	Scarborough East	91
Brampton West — Mississauga	84	London — Fanshawe	199	Scarborough — Rouge River	57
Brant	144	London General Area	38	Scarborough Southwest	120
Bruce — Grey — Owen Sound	140	London North Centre	245	Simcoe — Grey	150
Burlington	98	London West	169	Simcoe North	196
Cambridge	126	Markham	58	St. Catharines	110
Chatham — Kent — Essex	156	Mississauga Centre	75	St. Paul's	122
Davenport	94	Mississauga East	78	Stoney Creek	84
Don Valley East	88	Mississauga General Area	20	Stormont — Dundas — Charlottenburgh	129
Don Valley West	87	Mississauga South	139	Sudbury	205
Dufferin — Peel — Wellington — Grey	87	Mississauga West	0	Thornhill	72
Durham	99	Nepean — Carleton	66	Thunder Bay — Atikokan	146
Eglinton — Lawrence	101	Niagara Centre	130	Thunder Bay General Area	29
Elgin — Middlesex — London	174	Niagara Falls	106	Thunder Bay — Superior North	170
Erie — Lincoln	97	Nickel Belt	125	Timiskaming — Cochrane	184
Essex	114	Nipissing	197	Timmins — James Bay	116
Etobicoke Centre	73	Northumberland	95	Toronto Centre — Rosedale	251
Etobicoke — Lakeshore	86	Oak Ridges	86	Toronto — Danforth	149
Etobicoke North	113	Oakville	69	Toronto General Area	87
Glengarry — Prescott — Russell	96	Oshawa	136	Trinity — Spadina	145
Guelph — Wellington	120	Ottawa Centre	94	Vaughan — King — Aurora	99
Haldimand — Norfolk — Brant	107	Ottawa General Area	36	Waterloo — Wellington	71
Haliburton — Victoria — Brock	141	Ottawa — Orléans	60	Whitby — Ajax	108
Halton	115	Ottawa South	72	Willowdale	91
Hamilton East	137	Ottawa — Vanier	56	Windsor General Area	21
Hamilton General Area	16	Ottawa West — Nepean	98	Windsor — St. Clair	177
Hamilton Mountain	132	Out Of Province/International	349	Windsor West	167
Hamilton West	139	Oxford	117	York Centre	92
Hastings — Frontenac — Lennox and Addington	129	Parkdale — High Park	146	York North	121
Huron — Bruce	123	Parry Sound — Muskoka	176	York South — Weston	112
Kenora — Rainy River	211	Perth — Middlesex	88	York West	58
		Peterborough	106		
		Pickering — Ajax — Uxbridge	97		
		Prince Edward — Hastings	123		

\* Where postal code information is available.

# Complaints and Enquiries Received 2003-2004 About Adult Correctional and Young Person Facilities\*

## BY SUBJECT MATTER

HEALTH - ADEQUACY OF CARE	759
HEALTH - Medication (Other)	520
STAFF CONDUCT	439
PERSONAL/INMATE PROPERTY	414
LIVING CONDITIONS - FOOD/DIET	400
HEALTH - DELAY	388
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	360
LIVING CONDITIONS	343
LIVING CONDITIONS - CLEANLINESS, HYGIENE, SANITATION	268
CORRESPONDENCE	261
RESPONSES TO INMATE REQUESTS	255
TELEPHONE ACCESS/USE	200
LIVING CONDITIONS - CLOTHING SIZE, CONDITION ETC.	199
YARD	199
LIVING CONDITIONS - LOCKUP	181
INMATE TRUST ACCOUNT	169
HEALTH - MEDICAL DIET	158
ADMINISTRATION - UNFAIRNESS	148
VISITING PRIVILEGES	147
HEALTH - CONTINUITY OF CARE (ADMISSIONS)	145
ADMINISTRATION - OTHER	144
CANTEEN	137
LIVING CONDITIONS - PERSONAL HYGIENE	134
DENTAL	132
LIVING CONDITIONS - BEDDING/MATTRESSES/TOWELS	131
LIVING CONDITIONS - SEGREGATION	128

## BY SUBJECT MATTER

LIVING CONDITIONS - CELL TIME	125
LIVING CONDITIONS - HEATING, VENTILATION, AIR	119
INMATE MISCONDUCT ISSUANCE ADJUDICATION	117
SECURITY - LOCKDOWN	114
ADMINISTRATION - DELAY	108
HEALTH - OTHER	107
ADMINISTRATIVE SEGREGATION	101
RELIGIOUS OR LIFE STYLE DIET	98
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAM	92
ALLEGATIONS OF EXCESSIVE FORCE - STAFF MISCONDUCT	91
HEALTH - DENTAL - EMERGENCY	90
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	87
HEALTH - CONTINUITY OF CARE (TRANSFER)	84
COMMittal/SENTENCE CALCULATION	81
HEALTH - METHADONE PROGRAM	77
INMATE-INMATE DISPUTES/ASSAULTS	77
RELIGIOUS/SPIRITUAL OBSERVANCE	73
CLASSIFICATION - OTHER	66
HEALTH - GLASSES, EYE CARE	60
OMBUDSMAN ACCESS (LETTER OR PHONE)	60
LIVING CONDITIONS - OVERCROWDING	58
LOST EARNED REMISSION	53
POLICY/PRACTICE	49
HEALTH - PRESCRIPTION REQUEST	45
TEMPORARY ABSENCE PASSES	42
HEALTH - DIAGNOSIS	42

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

## Complaints and Enquiries Received 2003-2004 About Adult Correctional and Young Person Facilities\*

### BY SUBJECT MATTER

REQUEST FOR PROCEDURAL INFORMATION	39
HEALTH - STAFF CONDUCT	38
INTERMITTENT SENTENCE	38
NEWSPAPER SUBSCRIPTIONS/DELIVERY	37
HEALTH - SPECIALIST APPOINTMENTS	36
SPECIAL NEEDS/TREATMENT UNIT	36
PROTECTIVE CUSTODY	36
INSTITUTIONAL DISCIPLINE- OTHER THAN INMATE MISCONDUCT	34
ADMINISTRATION - NO RESPONSE TO CORRESPONDENCE	32
ADMINISTRATION - BIAS	31
HEALTH - MEDICAL APPLIANCES/DEVICES REQUESTS	29
LIVING CONDITIONS - IMMIGRATION HOLD	25
SEARCHES	25
CONFINEMENT SEGREGATION	21
HEALTH - DENTAL - DENTAL APPLIANCES/DENTURES	18
HEALTH - HOSPITAL VISITS/ADMISSION	18
LIVING CONDITIONS - SMOKING	18
HEALTH - HIV/AIDS	18
RACE RELATED COMPLAINTS	16
CHARTER OF RIGHTS/HUMAN RIGHTS	13
HEALTH - SECOND MEDICAL OPINION REQUESTS	13
HEALTH - MEDICAL SEGREGATION	12
TRANSFER-FEDERAL INSTITUTION	12
HEALTH - HEPATITIS	12
INMATE TRANSPORTATION UPON RELEASE	12
ADMINISTRATION - INADEQUATE OR NO COMMUNICATION RECEIVED	12

### BY SUBJECT MATTER

PRE-RELEASE	11
ADMINISTRATION - PROGRAM INFORMATION INADEQUATE	10
ADMINISTRATION - UNABLE TO OBTAIN FILE STATUS UPDATE	9
INMATE INSTITUTION GUIDE	9
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	9
LOST EARNED REMISSION PUNITIVE SEGREGATION	7
HEALTH - MEDICAL CONFIDENTIALITY/PRIVACY	7
ELECTRONIC MONITORING	6
BAILIFFS	6
MEALS AT COURT	6
HEALTH - PRE-NATAL CARE	5
ADMINISTRATION - EXCESSIVE BUREAUCRACY	4
HEALTH - SEGREGATION	4
FRENCH LANGUAGE SERVICES	4
HEALTH - SUICIDE WATCH	4
MENTAL HEALTH CARE	2
HEALTH - HUNGER STRIKE - FOOD WATCH	2
HEALTH - GYNECOLOGICAL/OBSTETRICAL	1

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

## Outcome of Complaints and Enquiries: Closed During 2003-2004

	Non-Provincial	Provincial
Discontinued by Complainant		1,486
Discontinued by Ombudsman		90
Resolved in Favour of Complainant		1,903
Resolved in Favour of Government		626
Resolved Independently		651
Inquiry Made/Referral Given/Resolution Facilitated	7,727	10,547
No Action Possible	52	211
<b>Totals of all outcomes</b>	<b>7779</b>	<b>15,514</b>

### Glossary of Outcomes

- **Discontinued by complainant:** The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman:** The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject-matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government:** The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently:** Our enquiries reveal that the complaint has been resolved either prior to, or independent of, our intervention.
- **Enquiry made/referral given/resolution facilitated:** Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible:** No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

# Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations\* by Final Resolution

(When a complaint or enquiry is made about a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Investigation Discontinued by Omb.	Enquiry Made/Referral Given/Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.						
<b>MINISTRY OF AGRICULTURE AND FOOD</b>									
OTHER	1	1			1	1	6		10
AGRICORP							4		4
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL			1		1		4	1	7
FARMLANDS PROPERTY CLASS TAX PROGRAM	1						2		3
<b>MINISTRY OF THE ATTORNEY GENERAL</b>									
OTHER	1	3		1	2	4	33	1	45
ASSESSMENT REVIEW BOARD				1			19		20
CHILDREN'S LAWYER		1				1	13	1	16
CRIMINAL INJURIES COMPENSATION BOARD	1				1		31	1	34
CROWN ATTORNEYS							13		13
LEGAL AID ONTARIO	1	8		2	6	4	155	4	180
ONTARIO HUMAN RIGHTS COMMISSION	11	39		2	4	10	116	6	188
ONTARIO MUNICIPAL BOARD					1		17		18
PUBLIC GUARDIAN AND TRUSTEE	7	3			5		86	3	104
<b>MINISTRY OF CHILDREN AND YOUTH SERVICES</b>									
OTHER							1		1
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY							5		5
SPECIAL NEEDS PROGRAMS - CHILDREN					1	3	18	1	23
YOUNG PERSON FACILITIES	7	4		2	26		30	1	70
<b>MINISTRY OF CITIZENSHIP AND IMMIGRATION</b>									
OTHER							1	6	7
<b>MINISTRY OF COMMUNITY AND SOCIAL SERVICES</b>									
OTHER	2	1		2	1	1	46		53
ADOPTION DISCLOSURE REGISTER		2			1		22		25
DISABILITY ADJUDICATION UNIT	4			2			73		79
FAMILY RESPONSIBILITY OFFICE	243	35	1	32	41	3	1106	15	1476
ONTARIO DISABILITY SUPPORT PROGRAM	39	13		16	15	3	559	7	652
REGIONAL CENTRES - SOUTHWESTERN	1						1		2
SOCIAL BENEFITS TRIBUNAL	5	11		4	4	2	89	2	117
SPECIAL NEEDS PROGRAMS - ADULT									
<b>MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES</b>									
OTHER	9	5		2	5		42	1	64
CORRECTIONAL CENTRES	574	154		200	550	25	1924	30	3457
CORRECTIONAL COMPLEXES	198	29		57	171	4	671	18	1148
DETENTION CENTRES	324	62		115	262	2	1198	34	1997
JAILS	143	50		111	243	1	749	32	1329
OFFICE OF THE CHIEF CORONER	1	1					5		7
OFFICE OF THE FIRE MARSHAL		1					4		5
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		1					12		13
ONTARIO PAROLE AND EARND RELEASE BOARD	2				2		11		15
ONTARIO PROVINCIAL POLICE			1		1		26		28
PROBATION AND PAROLE SERVICES	3	2		1	4		20		30
TREATMENT AND CORRECTIONAL CENTRES	17	6		7	20		44		94
<b>MINISTRY OF CONSUMER AND BUSINESS SERVICES</b>									
OTHER	3	2	1		1		40		47
ALCOHOL AND GAMING COMMISSION OF ONTARIO	1	1		1		2	20		25
LAND REGISTRY/TITLES							3		3
LICENCE APPEAL TRIBUNAL			1				2		3
REGISTRAR GENERAL BRANCH	107	1		25	7	1	291	3	435

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.

*Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations\* by Final Resolution*

*(When a complaint or enquiry is made about a ministry in general, it is identified as 'other'.) — Continued*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total		
	Complainant	Gov't Org.	Gov't Org. with Suggest.							
<b>MINISTRY OF CULTURE</b>										
OTHER					1			1		
ONTARIO ARTS COUNCIL							1	1		
ONTARIO HERITAGE FOUNDATION						1		1		
ONTARIO TRILLIUM FOUNDATION					1	4		5		
<b>MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE</b>										
OTHER					1		1	2		
LIQUOR CONTROL BOARD OF ONTARIO						1	12	13		
ONTARIO LOTTERY AND GAMING CORPORATION	1	2		1	1		19	24		
<b>MINISTRY OF EDUCATION</b>										
OTHER	9	2			5	45	1	62		
<b>MINISTRY OF ENERGY</b>										
OTHER	1	1				8		10		
HYDRO ONE NETWORKS INC.	26	3		9	5	143	1	187		
ONTARIO ENERGY BOARD		4			1	10	1	16		
<b>MINISTRY OF THE ENVIRONMENT</b>										
OTHER	1	4			4	38	2	49		
DRIVE CLEAN PROGRAM						9		9		
ENVIRONMENTAL REVIEW TRIBUNAL	1							1		
<b>MINISTRY OF FINANCE</b>										
OTHER	8	4			1	31		44		
FINANCIAL SERVICES COMMISSION		2		2		1	36	41		
FINANCIAL SERVICES TRIBUNAL						1		1		
MOTOR VEHICLE ACCIDENT CLAIMS FUND						2		2		
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	6	2		1		2	49	60		
PROVINCIAL TAX PROGRAMS (NON PST)	1	1		2			20	24		
RETAIL SALES TAX (PST)		2	1				20	23		
<b>MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS</b>										
OFFICE OF FRANCOPHONE AFFAIRS							1	1		
<b>MINISTRY OF HEALTH AND LONG TERM CARE</b>										
OTHER	4	1		1	1	2	62	1	72	
ASSISTIVE DEVICES/HOME OXYGEN PROGRAMS	1	1			1		46	1	50	
COMMUNITY CARE ACCESS CENTRE	1	1		2	2		40		46	
CONSENT AND CAPACITY BOARD	1	1			1		5		8	
DRUG PROGRAMS BRANCH - ONTARIO DRUG BENEFIT PROGRAM		1					10		11	
DRUG PROGRAMS BRANCH - SECTION 8 REQUESTS							12		12	
DRUG PROGRAMS BRANCH - TRILLIUM DRUG PROGRAM	6	1		2	2		44		55	
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	13			2	2	31	1	50	
HEALTH SERVICES APPEAL AND REVIEW BOARD							1	2	3	
LONG TERM CARE BRANCH							4		4	
NORTHERN HEALTH TRAVEL GRANT	1	4			2		26		33	
ONTARIO HEALTH INSURANCE PLAN	8	2		6	3	1	112		132	
ONTARIO HEPATITIS C ASSISTANCE PLAN							9		9	
PSYCHIATRIC HOSPITALS/MENTAL HEALTH CENTRES	9			1	2		30	2	44	
PSYCHIATRIC PATIENT ADVOCATE OFFICE							1		1	
<b>MINISTRY OF LABOUR</b>										
OTHER		1	3			2		10		16
EMPLOYMENT PRACTICES BRANCH		1		3	1	1	53	1	60	
GRIEVANCE SETTLEMENT BOARD							1		1	
OCUPATIONAL HEALTH AND SAFETY		1			2	1	7		11	

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## Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations\* by Final Resolution

(When a complaint or enquiry is made about a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Investigation Discontinued by Omb.	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.						
OFFICE OF THE WORKER ADVISER	3	1	1				34		39
ONTARIO LABOUR RELATIONS BOARD	3	14		1	1	1	48	1	69
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	10	33		2	10	5	176	8	244
WORKPLACE SAFETY AND INSURANCE BOARD	33	8		9	16		709	10	785
<b>MANAGEMENT BOARD OF CABINET</b>									
MANAGEMENT BOARD SECRETARIAT	1						13	1	15
ONTARIO PENSION BOARD	1						9		10
ONTARIO REALTY CORPORATION		2					6	1	9
ONTARIO SECURITIES COMMISSION		1					10		11
<b>MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING</b>									
OTHER	1	1		1			15		18
LINE FENCES REFEREE		1					1		2
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD							3		3
ONTARIO RENTAL HOUSING TRIBUNAL	5	17	1	1	9		105	3	141
<b>MINISTER RESPONSIBLE FOR NATIVE AFFAIRS</b>									1
ONTARIO NATIVE AFFAIRS SECRETARIAT						1			
<b>MINISTRY OF NATURAL RESOURCES</b>									
OTHER	2	4			3		51	2	62
CROWN LAND	3	2			2		26		33
LICENCESTAGS		2			1		12		15
NIAGARA ESCARPMENT COMMISSION							2		2
ONTARIO PARKS	1	1					1		3
<b>MINISTRY OF NORTHERN DEVELOPMENT AND MINES</b>									
OTHER	1						6		7
ONTARIO NORTHLAND TRANSPORTATION COMMISSION							1		1
<b>MINISTER RESPONSIBLE FOR SENIORS</b>									
ONTARIO SENIORS' SECRETARIAT							2		2
<b>MINISTRY OF TOURISM AND RECREATION</b>									
OTHER	1				1		2		4
ST. LAWRENCE PARKS COMMISSION							1		1
<b>MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES</b>									
OTHER	1					1	20	1	23
APPRENTICESHIPS/WORK TRAINING	1					2	8		11
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	1	2			1	1	52	1	58
ONTARIO STUDENT ASSISTANCE PROGRAM	12	15	1	8	7	3	252	5	303
<b>MINISTRY OF TRANSPORTATION</b>									
OTHER	3	5	1	1	3		42	1	56
DRIVER EXAMINATION CENTRES **	1	2			1		23		27
DRIVER LICENSING	9	6		5	9		168	2	199
GO TRANSIT						1	3		4
HIGHWAYS	3						23	1	27
MEDICAL REVIEW	8	5		3	1		128		145
ONTARIO HIGHWAY TRANSPORT BOARD			1				1		2
VEHICLE LICENSING	3				2	1	27		33
<b>ONTARIO GOVERNMENT</b>									
OTHER				1			45	1	47
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO							18		18
OFFICE OF THE CHIEF ELECTION OFFICER							10		10
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER							14		14

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.

\*\* As of September 2, 2003, Ontario Driver Examination Centres are administered as DriveTest Centres by a private operator under licence with the Ministry.

# Case Stories



## Ministry of the Attorney General

### Ontario Human Rights Commission (the Commission)

**Mr. B** complained the Commission failed to comply with his lawyer's request that it forward its reconsideration decision to Mr. B directly. He explained he did not receive the Commission's decision dated July 2000, until he contacted the Commission directly in August 2002. When an Investigator discussed this case with the Commission, it acknowledged its records should have been changed to reflect the lawyer's request. The Commission provided Mr. B with a written letter of apology for the oversight.

**It came** to the Ombudsman's attention that the Commission's intake and inquiry staff were writing letters to complainants suggesting that a decision to dismiss their case had already been made when this decision could only be made by the Commissioners. This appeared to be inconsistent with the Commission's stated practice as set out in its enforcement and procedures manual. The Ombudsman wrote to the Commission asking it to consider this matter. The Commission responded that in the interest of appropriate customer service, avoiding future incidents, and clarity for the parties, it would ensure that the standard correspondence was amended.

**Mr. C** complained to our office that the Commission had failed to act after receiving his submission concerning his complaints of discrimination. We notified the Commission of our intention to investigate Mr. C's concerns and the Commission replied it would ask the respondent to respond to allegations raised by Mr. C that had not already been considered by the Commission in previous cases. The Ombudsman was satisfied with this response and closed Mr. C's file.

## Ministry of Community and Social Services

### Family Responsibility Office (FRO)

**Mr. A** complained to Ombudsman Ontario because he was unable to use a cash back service to do his income tax because federal records showed there was a garnishment order against him. He told us that his arrears had been rescinded by court order and he had been unable to reach the FRO to find out why it had not cancelled support enforcement. An Ombudsman Representative discussed the case with the FRO, which confirmed its file was closed with a zero arrears balance. As a result of our intervention, the FRO immediately terminated the garnishment order.

**Mr. B** complained to the Ombudsman that, although his support obligation had been terminated by court order in 1999, the FRO had incorrectly sent his case to a credit bureau for enforcement. After we brought this matter to the FRO's attention, it verified that the support had been terminated and ensured that the credit bureau closed Mr. B's file.

**Mr. C** explained to our office that the FRO had continued to collect support from him, although he had been in receipt of social assistance since 1999. As a result of our enquiries, the FRO removed all enforcement measures, reinstated Mr. C's driver's licence and closed his file.

**Mr. D** contacted our office and stated the FRO had, for the second time, mistakenly identified him as a support payor. He said the FRO had written to him, saying it would be reporting him to the credit bureau, and he had been unable to get through by telephone to the FRO to correct the situation. Mr. D added that the same thing had happened two years previously. As a result of Ombudsman Ontario's involvement, the FRO admitted its error, sent Mr. D a letter of apology, and deleted his personal information from its records.

**Mr. E** complained to Ombudsman Ontario that when he went to purchase an appliance he was told he had a bad credit rating and subsequently discovered the credit rating related to alleged support arrears. Mr. E stated his employer had deducted support payments from his salary and remitted them to the FRO. Mr. E, his employer and staff from the office of Mr. E's Member of Provincial Parliament had contacted the FRO without success. However, after Mr. E contacted our office he was told which documents the FRO required as proof that he had made all of his payments. As a result of our involvement, the FRO undertook a financial analysis of the case. The FRO explained that it had had difficulty reconciling the funds earlier because Mr. E's employer had not provided copies of the front and back of his cancelled cheques. The FRO consequently adjusted Mr. E's account, when it found six payments had been received but deposited into someone else's account.

## Dear Ombudsman

Thank you so much for your care and courtesy during our recent telephone conversation. You are a pleasure to talk to.

The Ombudsman undertook an investigation of the matter and found that a seventh payment had been misapplied and an eighth returned to Mr. E's employer because it

was stale-dated. The FRO could not explain how these accounting problems occurred but suggested that it was human error, which has been addressed through training. The Ombudsman noted that the case could have been reconciled earlier if copies of the front and back of the cancelled cheques had been provided. He suggested that the FRO provide a letter to payors when they enquire about missed payments explaining that this information is necessary to reconcile an account. The FRO agreed with the Ombudsman's suggestion and undertook to include this information in the covering letter for statements of account sent in response to client

enquiries regarding missing or lost payments. The FRO also indicated it would remind staff about the requirement that they advise clients making an enquiry about missing or lost payments that proof of payment is required in this form.

**Mr. F**, complained that the FRO had suspended his driver's licence for support arrears. Mr. F stated he required his driver's licence to make a living and meet his support obligations. He explained that he had been making direct payments to the support recipient who was willing to confirm this in writing. An Ombudsman Representative contacted the FRO, which entered into a payment arrangement with Mr. F and arranged for his licence to be reinstated.

**Ms N** contacted our office to complain about the FRO. The support payor told Ms N that he had paid approximately \$33,000 to the FRO. However, she had received only one payment of \$45. An Ombudsman Representative contacted the FRO, which confirmed Ms N's case had been closed in 1997. We suggested that Ms N write to the Executive Director of the FRO and forward relevant documents. Our office maintained contact with the FRO to determine the status of its review of Ms N's case. When it reviewed its records, the FRO noted that Ms N's support had been directed to the Ministry of Community, Family and Children's Services as she had received funding from the Ministry but that \$2,359.53 had been sent to the Ministry in error. The FRO apologized to Ms N, explained that it could no longer enforce her court order because spousal support had terminated and the support order was unclear regarding the terms of payment for child support, and paid her the money that had been misdirected.

**Mr. O** complained to the Ombudsman because he had been informed by the FRO that he owed arrears in child support. He believed this was incorrect and the FRO had failed to credit all the payments he had made. An Ombudsman Representative contacted the FRO and learned that some of Mr. O's payments had been made through the Alberta Maintenance Enforcement Program, as the support recipient

lived in Alberta. The FRO agreed to obtain a full accounting of the Alberta payments. Once this was received, the FRO reviewed its payment records and recalculated Mr. O's account. It found an additional \$1,300 had been paid by Mr. O but not credited. The FRO determined that Mr. O had made all required payments and had no arrears. It revised its records accordingly.

**Mr. P** is self-employed in a car repair business. He contacted our office complaining that, although he had paid his support arrears, the FRO was suspending his driver's licence. Mr. P stated he was unable to get through to a live operator at the FRO and the automated line listed numerous enforcement steps that had been taken against him including suspension of his driver's licence. Mr. P required his driver's licence to work. An Ombudsman Representative made an urgent enquiry to the FRO. As a result, the FRO immediately reviewed its records and realized it had failed to terminate the driver's licence suspension when Mr. P's arrears were paid. Recognizing its error, the FRO waived its \$400 administrative fee for issuing the suspension, removed the writ against Mr. P's property, deleted a credit bureau record, removed a federal garnishment and contacted the Ministry of Transportation the same day by telephone and fax to ensure that Mr. P's driver's licence was reinstated without the \$100 fee usually charged by the Ministry. The FRO also contacted Mr. P directly to apologize for its error. Mr. P's complaint was resolved within a day of contacting our office.

**Ms Q** contacted our office because the FRO claimed she owed arrears even though she had made a payment via electronic bank transfer. She contacted the credit bureau and found the FRO's case number was wrong. Ms Q tried unsuccessfully over a three week period to reach the FRO by phone. As a result of an Ombudsman Representative's enquiry, the FRO realized it had mistakenly registered Ms Q's case twice linking the case to her Social Insurance Number (SIN) and not realizing that Ms Q had remarried and changed her name. The FRO immediately directed the

credit bureau to delete the second case and also reminded its intake staff to cross reference SIN numbers and names to avoid duplication.

**Ms R**, a support recipient, had not received any payments from the FRO. She called our office because she had learned that an income source had sent money to FRO but the FRO had no record of this. After our office became involved, the FRO contacted the income source, which confirmed it had made three payments. The FRO did a search and discovered the cheques had come in without a case number or name and had not been posted to Ms R's case. The missing payments were found and paid to Ms R.

**Ms S** contacted our office in late August stating she was owed \$8,000 in arrears and had not yet received a filing package from the FRO. When our office contacted the FRO, it stated it had not received the court order. However, it committed to promptly register the order if it were submitted. In September, Ms S faxed a copy of the order to the FRO together with a completed filing package, which she had obtained from her local court house. However, Ms S contacted our office again in November when she still had not received any word from the FRO. An Ombudsman Representative made an enquiry to the FRO and was told that the order was still in its intake department. As a result of our further contact, the FRO registered the court order that same day and confirmed that a notice was also being sent to the payor's income source to initiate wage deduction to pay the monthly support and arrears owing.

**Ms T** complained to our office that she was having difficulty getting the FRO to enforce her most recent court order. The new order almost doubled her support payments and she was eager to see it enforced. Ms T was unable to get through to the FRO on the phone to find out why it was not enforcing the new order. Our office contacted the FRO, which stated it had not received a copy of the new order. We obtained and provided Ms T with a direct fax number so she could immediately send the order to the FRO.

The FRO committed to promptly acting on the order when it was received.

**Mr. U** is a resident of Quebec paying support under a court order enforced by the FRO. His lending institution informed him there would be a problem in re-negotiating his mortgage since the FRO had reported him to a credit bureau for arrears owing. He claimed he had always paid his support on time and in full since 1997. He telephoned the FRO and was told he had been in arrears and the reporting was justified. He contacted our office for assistance. As a result of our intervention, the FRO reviewed its records to verify its findings with support enforcement authorities in Quebec. The FRO determined arrears had accrued on the case because of delays in reporting payments received by the Quebec government to the FRO. The FRO immediately requested that the inaccurate credit bureau reports be deleted.

**Mr. V** contacted Ombudsman Ontario complaining the FRO's records inaccurately indicated his child support payments were in arrears in excess of \$4,000 and that he had not paid his income tax refund to the FRO as required by his support order. Mr. V told our office he had made all required payments on schedule, however, some payments had been made directly to the support recipient. Mr. V was particularly concerned that the payment record be corrected, as his support order provided that the final \$1,000 payment would be forgiven, if his support payments were made on schedule. Despite his attempts, Mr. V had not been able to speak directly with an official at the FRO to discuss his concerns. An Ombudsman Representative contacted the FRO and provided information about Mr. V's direct payments to the support recipient. The FRO required written confirmation of these payments before Mr. V's account would be credited. Our office arranged for Mr. V to have the necessary documentation faxed to the FRO. As a result of our assistance, the FRO confirmed the payments with the recipient, they were credited to Mr. V's account and his payment was forgiven in accordance with his court order.

**Ms W** contacted our office upset because the FRO was inappropriately garnishing her wages at 50 per cent for support arrears. Her lawyer had faxed a judge's handwritten endorsement to the FRO confirming the arrears were no longer owing. An Ombudsman Representative made an informal enquiry to FRO. FRO responded that it could not enforce a handwritten endorsement without a court seal and that Ms W's lawyer had quoted the wrong FRO case number. As a result of our enquiry, the FRO agreed to hold funds in a suspense account pending receipt of a formal order. The funds were later released to Ms W. However, she complained that some payments were not accounted for. The Ombudsman Representative made additional enquiries and the FRO agreed to trace the missing payments. As a result Ms W received an additional \$2,700 that had been missing.

**Mr. X** contacted Ombudsman Ontario because the FRO was continuing to collect support for his son even though his son was no longer entitled to receive it. Mr. X had sent the FRO a letter from the support recipient confirming this but Mr. X was unable to reach the FRO by phone to verify its receipt. As a result of our informal enquiry, the FRO confirmed receipt of the letter, adjusted Mr. X's account, sent a notice to his employer to reduce the deductions on his wages and returned an overpayment to him.

**Mr. Y** is a support payor. In 1993, his file was transferred from Newfoundland to Ontario for enforcement. The FRO notified Mr. Y that he owed arrears. He paid \$280 and disputed another \$300. The FRO agreed in 1994 that there were no arrears outstanding. However, in 1996, \$300 was added back to Mr. Y's arrears account on the basis of documentation received from Newfoundland. In 2002, the FRO notified Mr. Y he was in arrears and despite his dispute and record of never missing a payment, through pre-authorized payment, took enforcement action. Mr. Y complained to the Ombudsman.

Mr. Y objected to the FRO's six year delay in notifying him of the arrears and believed it unreasonable for the FRO to expect him to maintain records for seven years after he had previously been told he owed no arrears. An Ombudsman Investigator reviewed the FRO's files. The records did not indicate why the FRO removed arrears in 1994 but it appeared that post-dated cheques were cashed in Newfoundland at the same time the case was transferred to Ontario. In response to our investigation, the FRO agreed to reimburse Mr. Y his \$300. It also expressed regret for the inconvenience caused to Mr. Y. Despite this, the FRO failed to remove a federal garnishment and a support deduction notice was sent to Mr. Y's employer. Our office contacted the FRO again and was able to resolve these issues.

**Mr. Z** contacted our office complaining he had to pay support twice. His former employer deducted support from his wages but did not remit the money to the FRO resulting in arrears accumulating. The FRO obtained a court order in an attempt to recover the money that had been collected but not remitted. However, the FRO had received information that the employer was no longer in Ontario and its position was that it could not proceed against the employer if he was not in the province. Mr. Z told our office that the employer was working in another province but still lived in Ontario. When our office gave this information to the FRO, it agreed to review the case to see if it could pursue further action against the employer.

**Mr. A** complained to our office that he had been trying unsuccessfully for the past five years to obtain an overpayment owed to him by the FRO. Mr. A explained that in 1993 he and his former spouse agreed in court that he would pay \$4,000 in settlement of his support obligations. Mr. A's lawyer sent a letter to the FRO confirming that the amount had been paid in full. Mr. A noted that to complicate matters, at about the same time, he was successful in a wage issue claim against his employer, which owed him about \$4,000.

Mr. A said that because the FRO had garnished his wages, the amount that was supposed to be paid to him by his employer was sent to the FRO. Mr. A told us the FRO never acknowledged or actioned his lawyer's letter. Mr. A said some years later his bank did a credit check on him and discovered the FRO alleged he owed arrears. In 2001, Mr. A filed his income tax expecting a return of about \$4,500 and this amount was also sent to the FRO as a result of a federal garnishment. The FRO agreed to pay Mr. A part of the overpayment but said he still owed about \$2,500 in arrears.

An Ombudsman Representative contacted the FRO, which said it was trying to confirm what if any arrears Mr. A owed.

After we made several

calls to the FRO, it

acknowledged it was

unreasonable for it to

hold Mr. A's funds

without knowing

whether he actually

owed any money. As

a result, the FRO

confirmed the

balance of funds

being held,

\$2,486.73, would be

returned to Mr. A

and agreed to delete

Mr. A's record at the

credit bureau.

**Dear Ombudsman**

When I first wrote to Ombudsman Ontario

seeking help I was skeptical. You have

been very courteous and helpful from the

beginning. You delivered on your promises.

You got results... Because of your

professionalism, I am now a convert on

the very important role the Ombudsman's

office plays in helping the citizenry deal

with unresponsive government

bureaucracies.

**Mr. B**, a support

payor, tried to get

the FRO to terminate its enforcement of his support

obligation. He believed his children were no longer eligible

for support, given their age and that they were no longer

living at home or going to school. Mr. B contacted our

office, saying the support recipient had sent two faxes to the FRO to terminate the support obligation, but the FRO told him they could not locate the faxes. He said his Member of Provincial Parliament was unable to resolve the issue. Our staff contacted the FRO and questioned whether it had checked its fax logs and/or file for the faxes. When the FRO did so, it was able to locate the faxes, Mr. B's support obligation was terminated and \$126.20 was returned to him.

**Ms E** is a support payor and has had custody of one of her children since January 2003. In November 2003, Ms E contacted Ombudsman Ontario and explained she recently obtained a new court order reducing her support obligation retroactively to January 2003. Ms E was about to go on sick leave and was concerned it would take up to six weeks for the FRO to adjust the amount being deducted from her bank account and that her sick benefits through Employment Insurance would be garnished. An Ombudsman Representative contacted the FRO, which said it had not yet received the court order. The Ombudsman Representative arranged for Ms E to forward the court order to the FRO and confirmed it had been received. The FRO adjusted Ms E's account to reflect the provisions of the new court order. The FRO determined Ms E had overpaid

support by \$4,171.50 and agreed to apply this overpayment towards Ms E's future support obligations. The FRO confirmed deductions from Ms E's bank account would resume in April 2005 and committed to provide written confirmation of the arrangement to Ms E and the support recipient.

**Mr. A** contacted Ombudsman Ontario after receiving a letter from the FRO warning him his driver's licence was about to be suspended for non-payment of support arrears. Mr. A was very concerned because he required his licence for his job. Mr. A claimed he had been unable to reach the FRO to discuss entering into a repayment agreement. An Ombudsman Representative contacted the FRO to discuss the case. The FRO agreed to place a hold on the licence suspension until staff could reach Mr. A to discuss a repayment schedule. A few days later, the FRO and Mr. A entered into a voluntary arrears payment schedule. Mr. A was able to retain his licence and his job.

**Ms B**, a support recipient, contacted the Ombudsman because she had not received support payments for some time, even though the support payor had stated payments had been deducted from his paycheque. Ms B claimed she had been unable to reach the FRO to obtain an explanation. An Ombudsman Representative contacted the FRO to discuss the situation. The FRO explained that a payment had been returned and subsequent payments had been placed on hold until Ms B's address could be confirmed. Ms B provided her correct address and the FRO released her money to her.

**Mr. C**, a support payor, complained to the Ombudsman that he had been trying for five years to clear up problems the FRO had caused regarding his credit rating. Mr. C explained that in 1998, he and his former spouse provided the FRO with confirmation that the support obligation for their children had ended. Mr. C said, despite this confirmation, when he applied for a loan in 2001, he was told the credit bureau's records showed him as owing support arrears.

## Dear Ombudsman

Thank you for the time you have taken to

help me sort out the overpayment problem

with the Family Responsibility Office. As I

advised you, I had written several letters

to the FRO but did not receive a reply.

I even tried to seek help through my

Member of Parliament but received no

help. Your office was my last resort and I

am extremely happy with the help you

have provided me.

Mr. C's lawyer then wrote to the FRO again confirming the support obligation had ended. Mr. C noted he was in contact with his bank recently and learned the credit bureau's records still indicated he owed support arrears. An Ombudsman Representative contacted the FRO and was told Mr. C's account was adjusted in 2001. The FRO stated when the account was adjusted there remained a small balance of arrears. However, the FRO acknowledged the parties were never made aware of these arrears and the support recipient had confirmed the support obligation had ended. Under the circumstances, the FRO proceeded to administratively rescind the arrears and close the case. The FRO also agreed to have Mr. C's credit bureau record deleted and provide him with written confirmation of the deletion.

**Ms D** complained to the Ombudsman that she had not heard from the FRO concerning her support order, which had been issued in Quebec and which she had taken steps to register in Ontario. After an enquiry by our office, the FRO contacted officials in Quebec, located Ms D's file, which had never been transferred from Quebec, and had it forwarded for registration in Ontario. Shortly after our call, the FRO began enforcement action and Ms D received the support monies owing to her.

**Mr. F** contacted Ombudsman Ontario complaining the FRO was collecting arrears that had already been paid. He claimed the support recipient had previously confirmed all arrears had been paid in full and then subsequently filed a false statement of arrears, which the FRO had proceeded to enforce. As a result of our intervention with the FRO, it obtained a legal opinion, which confirmed the support recipient could not claim for arrears she had previously confirmed were paid in full. The FRO agreed to remove \$2,563 in arrears from Mr. F's account.

**Mr. G** contacted Ombudsman Ontario because he was having difficulty obtaining an update on his case from the FRO. Mr. G stated he had forwarded a new court order to the FRO but his account had not been adjusted or an overpayment returned to him. An Ombudsman Representative called the FRO and learned Mr. G had not submitted the court order, which it needed to process the change, but had only provided an endorsement. The FRO then proceeded to obtain a copy of the court documents, adjusted Mr. G's account and returned \$3,096 to him the next day.

## Dear Ombudsman

It is with a deep sense of gratitude that I feel impelled to write my testimony as one who may truly attest to the impact of my undertakings and of my semi-invalid life to the truth of your objective motto serves – "Working to ensure fair and accountable service!"

is on social assistance. Mr. T told us he had been trying unsuccessfully for four days to reach the FRO by telephone to confirm his status. An Ombudsman Representative contacted the FRO, which confirmed, given Mr. T's circumstances, that it would terminate all enforcement, rescind all arrears and close his file.

**Ms U** complained to Ombudsman Ontario that the FRO was misinterpreting her court order and refusing to enforce a child support provision. An Ombudsman Representative contacted the FRO to discuss Ms U's case. As a result, the

FRO reviewed the case and confirmed that Ms U was correct. The FRO adjusted Ms U's account to reflect the correct balance of arrears. The FRO also undertook to send an updated notice of arrears to the jurisdiction in which the payor resides.

**Ms V** complained to our office that the FRO had failed to collect support arrears on her behalf. As a result of our intervention, the FRO contacted the payor's income source, which agreed to deduct 50 per cent of the payor's

income to recover the arrears.

**Ms W** complained that the FRO should remove her name from the credit bureau because she owed no support arrears. An Ombudsman Representative contacted the FRO, which had Ms W's file removed from the credit bureau.

**Mr. Y** contacted Ombudsman Ontario complaining that the FRO continued to deduct 50 per cent of his old age pension even though he did not owe any support arrears. Following our intervention, the FRO terminated a federal garnishment and sent Mr. Y a cheque representing his credit balance.

**Ms Z**, a support recipient, complained to the Ombudsman that the FRO had misplaced a support payment. An Ombudsman Representative contacted the FRO, which undertook to investigate. As a result, the FRO located the missing payment and posted it to Ms Z's account.

## Ontario Disability Support Program (ODSP)

**Ms B** complained to the Ombudsman regarding the calculation of her retroactive ODSP benefit entitlement. Ms B was initially denied ODSP benefits but was later successful on appeal to the Social Benefits Tribunal. The Social Benefits Tribunal granted Ms B benefits back four months. The Ministry granted Ms B benefits back an additional period to the time when her second Disability Determination Package was sent to her. Ms B believed she was entitled to benefits for a longer period of time. Based on the information obtained, it appeared Ms B should have been awarded benefits back to the date she submitted the first Disability Determination Package. An Investigator contacted the Ministry and it agreed Ms B's benefits should have been paid from an earlier date. The Ministry explained the labour dispute in 2002 was responsible, in part, for the error. Ms B's benefits were extended back another four months and she received a cheque for \$1,146.90.

**Ms C** contacted our office as she believed she was entitled to money under a support order that had been assigned to the Ministry while she was receiving benefits from the ODSP. She said the Ministry had not cancelled the assignment in a timely manner and had continued to collect money that should have been sent to her. An Ombudsman Representative made enquiries to the Family Responsibility Office (FRO), which was enforcing Ms C's support order, and to the Ministry concerning its ODSP records. As a result of our intervention, the Ministry agreed to review its records. It found that although Ms C's ODSP benefits ended in 1994, the assignment of support payments to the Ministry had not been cancelled until February 2001. The Ministry discovered that, while it had paid Ms C some moneys received from the FRO, it had collected four payments that should have gone directly to Ms C. The Ministry acknowledged its error and sent Ms C a cheque for \$1,044.

**Ms D**, an ODSP benefit recipient, contacted our office complaining the Ministry was incorrectly requiring that she repay \$2,000 of her ODSP benefits. Ms D asked the Ministry to review the matter but was told it could not be appealed. Ms D said she was neither told what the overpayment was for nor provided with any supporting documentation. An Ombudsman Representative contacted the Ministry, which explained the overpayment resulted from payments made under Ontario Works. However, the Ministry agreed to obtain supporting information and give it to Ms D. When Ms D did not receive any further information from the Ministry, our office contacted the Ministry again. The Ministry said the delay resulted from material being misplaced. Eventually, the Ministry classified the overpayment as nonrecoverable because Ms D had never been notified and indicated it would take no further steps to collect it.

**Ms E** contacted Ombudsman Ontario for assistance because she was unable to attend an appointment at the Ministry's regional office. The small town Ms E lived in had no bus service, she could not afford a taxi and she had recently moved to the town and didn't know anyone who could drive her. Ms E explained that Ministry staff said her ODSP benefits would be terminated if she did not make the appointment. An Ombudsman Representative contacted the Ministry to discuss the situation. As a result of our intervention, the Ministry agreed that Ms E could meet with Ministry staff in her own community.

**Mr. F** is a person with disabilities and a recipient of ODSP benefits. Mr. F complained to our office that the Ministry had sent a letter telling him it would be deducting money from his benefits for an overpayment, but could not explain to him how this overpayment occurred. The Ministry had not responded to his request to meet to discuss the matter. As a result of our informal enquiry to the Ministry, it was discovered that the overpayment resulted from an error when

Mr. F's special shoes were paid for through Ontario Works instead of ODSP. Ontario Works had cancelled the payment, which had triggered an ODSP overpayment letter. Through our intervention, the Ministry identified a systemic problem with the process and committed to work with Ontario Works to correct it. The Ministry also wrote to Mr. F to apologize and clarify what had occurred.

**Ms S**, an ODSP recipient, called Ombudsman Ontario concerned because she required additional money to cover the cost of her medical supplies. Her Member of Provincial Parliament (MPP) had assisted her in the past in obtaining approval for additional money on a permanent basis, however she had not received this allowance for two months. Ms S, her family physician and her MPP had sent letters to the Ministry requesting that it correct the problem but the Ministry had not responded. When we contacted the Ministry, it confirmed the money had not been given to Ms S but had been approved months earlier. As a result of our intervention, a cheque was mailed to Ms S immediately and the Ministry committed to continue to pay her this supplement in a timely manner on future cheques.

**Mr. G**, a senior citizen, asked his caseworker at Ontario Works to transfer his file to the ODSP as, according to ODSP guidelines, he automatically qualified to receive benefits. However, his case was not transferred. He contacted our office to complain. An Ombudsman Representative contacted the Ministry, which agreed to contact his caseworker at Ontario Works to expedite the matter. Mr. G's file was transferred to the ODSP in June 2002 and the Ministry granted him benefits as of March 2002. Mr. G believed he should have been granted ODSP benefits from August 2001 and appealed to the Social Benefits Tribunal. In its decision, the Social Benefits Tribunal noted "Despite repeated attempts by the Appellant to obtain information, his requests fell on deaf ears, until intervention by the Ombudsman." The Tribunal stated it had no legislative

power to determine that the Director erred regarding the grant date but encouraged Mr. G to contact the Ombudsman to discuss his dilemma. After Mr. G approached our office again, our staff contacted the Ministry, which agreed to review Mr. G's file. As a result of our intervention, the Ministry determined that Mr. G should have received ODSP benefits as of May 2001.

**Mr. T**, an ODSP recipient, complained to our office that while the Ministry would reimburse him for medical transportation costs, he must spend \$550 a month up front on cab fare to attend up to eight medical appointments a week. He explained that because of these transportation expenses he has difficulty paying for food and utilities. He said he had been trying personally and through his Member of Provincial Parliament for eight months to arrange for the Ministry to provide him with a transportation allowance or set up an account with a transportation company. Mr. T said Ministry staff had told him no options existed and that he should take an ambulance to his medical appointments. An Ombudsman Representative contacted the Ministry to discuss his case. As a result of our intervention, the Ministry agreed to set up an account with a cab company for Mr. T for his immediate use and process a cheque to reimburse him for his cab fares on an expedited basis.

**Mr. X** was in receipt of ODSP benefits when he received a large retroactive Workplace Safety and Insurance Board (WSIB) payment. As a result, the Ministry told Mr. X he owed an overpayment of over \$45,000. Mr. X believed he owed significantly less and contacted our office for assistance. On review of the information, our staff was unable to determine how the Ministry calculated the overpayment. Following a written request by our office for information about the calculations used to assess the overpayment, the Ministry agreed to review Mr. X's file. The Ministry provided a written explanation of the calculations used to determine the overpayment. As a result of our enquiry, the Ministry

acknowledged an error and stated Mr. X would receive a refund of over \$5,000.

**Mr. H** registered for the self-employment program with ODSP Employment Supports. He contacted the Ombudsman because he was dissatisfied with the help he was receiving from service providers referred by the Ministry to assist him in setting up his own business. According to Mr. H and the Ministry, this was the second time that Mr. H had expressed dissatisfaction with his service providers. The first time, he complained about unreasonable delays caused by a service provider and he was allowed to terminate his contract and find another service provider. Mr. H complained that his current service provider had cancelled three meetings, two without any notice. He was also dissatisfied with the quality of the assistance he was receiving. When Mr. H complained to the Ministry about the service provider, he was referred back to the service provider to discuss his concerns. Mr. H was not satisfied with this response. He wanted to know more about how the Ministry selected service providers and monitored the quality of their services. According to Mr. H, the Ministry told him it was his responsibility to meet with each service provider and assess their ability to assist with his goals.

An Ombudsman Representative made several enquiries with the Ministry. The Ministry explained that it acts as a broker between program participants and community service providers, who are on contract with the Ministry to provide employment support services. It also explained that there are over 40 service providers in the region in which Mr. H resided. The Ministry confirmed it had no formal complaint mechanism to deal with concerns about service providers. As a result of our intervention, the Ministry provided Mr. H with a clear set of steps that he could take to address his concerns about his service provider. In addition, the Ministry agreed to review its procedures and develop a formal complaint mechanism for participants with concerns about

service providers in Mr. H's region. The Ministry subsequently provided our office with a copy of a new Client "Complaint About Service Provider" process, ODSP Employment Supports, for the region in question. The Ministry indicated this document would also be sent to ODSP Directors across the province as a model for possible use in their regions. We recently learned that another region has adopted a similar complaint mechanism for complaints against service providers and will soon be providing information about this mechanism to ODSP participants and service providers.

**Ms A** complained to our office regarding the Ministry's five month delay in processing her application for ODSP benefits. Ms A explained her application was received by the Ministry on August 5, 2003, and she had been told to call for a status update four weeks later. She claimed when she called in mid-October she was told to call back in another two weeks. She said when she called again in November, she was told her application would not be reviewed until at least the end of December. An Ombudsman Representative contacted the Ministry to discuss Ms A's concern. Within two days of our intervention, the Ministry had assigned her file to an Adjudicator and committed to provide her with a decision within one to two weeks.

**Ms B** complained to the Ombudsman that the Ministry was not providing her with critical health information concerning her residence. Ms B is disabled and receiving ODSP assistance. She explained she told the Ministry she had mold under her cabinets and it arranged for an environmental assessment to be conducted. Ms B claimed the Ministry refused to provide her with a copy of the environmental assessment report and told her to submit a freedom of information request. Ms B said she became very concerned about the contents of the report and decided to move her family out of the home and into a women's shelter to protect her children's health. An Ombudsman Representative contacted the Ministry regarding the environmental assessment report. As a result of our contact,

the Ministry agreed to share the report with Ms B. The report confirmed environmental hazards in the home.

## Ministry of Community Safety and Correctional Services

### Adult Institutional Services - Central Region

**The Ombudsman** received a complaint from a number of inmates that they were not receiving medication. The facility they were housed in had restricted inmates to their cells so it could conduct an extensive search after potentially dangerous contraband had been discovered. The inmates said that the facility was only distributing "critical medications" such as medications for heart, blood pressure, seizure, diabetes and HIV but not others such as anti-psychotics,

anti-depressants, chronic pain and sleeping medications. Our office contacted the Ministry, which confirmed that the facility was required by policy to provide medications as prescribed. As a result of our intervention, new procedures were put in place at the facility to ensure that, in similar situations in the future, all medications would be distributed as prescribed.

**Mr. A**, an inmate due for release within a month, contacted our office concerned that the Ministry had extended his release date by 20 days and no one had responded to his requests to discuss this change. When we contacted the facility, we were told that the records personnel had made

**Dear Ombudsman**

I am writing to you to sincerely thank you for helping me with my lost property.

I have received a reimbursement for my books, and I am more than pleased on how quickly and effective you were on handling this problem on my behalf.

an error in the initial computation of Mr. A's sentence, which had recently been corrected. After hearing this explanation, Mr. A still maintained that the second release date was wrong. Our office asked the records department to review the entire sentence computation. After its further review, the Ministry acknowledged that it was actually the second release date that was wrong and in fact, Mr. A was entitled to be released one day earlier than he had originally thought. The facility corrected its records and apologized to Mr. A for the inconvenience caused by its error.

**Ms D** contacted our office, concerned that she had been placed in the same living area as another inmate, who had threatened physical violence towards her. Ms D claimed the facility had not responded to her requests for a transfer. Following our intervention, Ms D was relocated within the facility.

**Mr. F**, an inmate who spoke very little English, called our office because he had put in a number of requests to contact the Israeli Embassy, and had not received any response from the facility. Initially, Mr. F was reluctant to have us contact the facility. However, when he called again, we used a Hebrew interpreter and Mr. F asked that we assist him. An Ombudsman Representative contacted facility staff, who agreed to assist Mr. F with his request. Mr. F later called to say he had still not been allowed to contact the Embassy. Our office contacted the facility again, and the next day Mr. F confirmed he had been able to get through to the Embassy.

**Mr. H** complained to our office that he was suffering from drug withdrawal, was very unwell and the doctor had ordered that he have two days bed rest, but correctional staff refused to allow him to rest in his cell. Our office contacted a nurse at the facility, who confirmed that Mr. H required bed rest. The nurse immediately contacted the correctional staff on Mr. H's unit to ensure that he received it.

**Mr. W**, an inmate at a correctional facility, contacted Ombudsman Ontario complaining about a money order that had been missing for over two months. Although Mr. W was given a receipt for the money order, the facility's finance department told him it had not been received. An Ombudsman Representative contacted the facility to discuss the matter. As a result of her enquiries, the facility reviewed its records and located the money order.

**Mr. I** complained to the Ombudsman that a private correctional facility was not supplying him with kosher lunches. An Ombudsman Representative spoke with facility officials, who explained how they were preparing kosher meals. The facility confirmed with a Rabbi that the meals provided to Mr. I were not kosher, as the kosher seals had been broken when meals were prepared at the facility. However, the facility did not act immediately on this information. As a result of our continued discussions with the facility, it committed in future to provide sealed kosher meals at lunch to all Jewish inmates who required them.

An Investigator followed up with the Ministry's Senior Nutrition Consultant regarding the Ministry's general practices relating to kosher meals. The Investigator reviewed Mr. I's experience with the Consultant, who had some concerns about the caloric content of kosher diets. As a result of our intervention, the kosher menus used in correctional facilities throughout the province have recently been revised.

**Mr. K**, an aboriginal inmate, complained that he was not allowed to participate in a smudging ceremony. He explained that this restriction related to his alleged disrespectful conduct during a ceremony at another facility. An Ombudsman Representative made a number of enquiries and learned that Mr. K had been removed from a list of those who could wear a medicine pouch at another facility but he had never been barred from participating in the smudging ceremony there.

The Chaplain at Mr. K's current facility had misunderstood and assumed Mr. K was not entitled to participate at all in the spirituality program. The Chaplain apologized to Mr. K and he was reinstated on the list of participants for the smudging ceremony.

**A complaint** was received from a group of female inmates at a correctional facility. Ombudsman Ontario mailed responses to each of the complainants. About 20 letters were returned to our office indicating the inmates were no longer at the facility. An Ombudsman Representative contacted facility officials, who admitted that they were unaware of the Ministry policy requiring letters addressed to inmates no longer at the facility to be forwarded to their last known address. This issue was raised with the Superintendent who issued a directive to staff requiring adherence to the Ministry policy.

**Mr. M**, an inmate at a correctional centre, contacted our office to complain about a medication error. He explained he had requested medication for his acne but had received a prescription medication intended for another inmate. Mr. M said he took the medication for three days before health care staff became aware of the error. In the interim, Mr. M said he had started reacting to the medication and had been disciplined for his unusual behaviour. An Ombudsman Representative contacted the facility to discuss the situation and discovered it had not followed the Ministry's policy and procedures regarding medication errors. As a result of our enquiry, health care staff at the facility adopted new measures in compliance with the Ministry's policy to prevent a similar occurrence in the future. The facility also agreed to remove the discipline record from Mr. M's file.

**Mr. N**, an inmate at a private correctional facility, complained to our office about the refusal of facility health care staff to give him information. He explained he suspected he might have contracted the HIV virus during a fight with another inmate.

Health care staff had placed Mr. N on medication and sent blood work for analysis. However, Mr. N's medication was suddenly discontinued after a month and health care staff refused to discuss the reasons for this with him.

Ministry policy states that inmates are to be assessed within 48 hours of a possible exposure to the HIV virus. Exposed inmates are to be placed on medication for a period of one month and are to be tested at the time of the exposure, re-tested at six weeks, three months and six months. The policy also states that the series of tests are necessary since the anti-body may not be detected in the first or second tests. When an Ombudsman Representative contacted health care staff at the facility, they said they were unaware that follow-up tests were required. Our office provided the facility with a copy of the Ministry policy and as a result, follow-up tests were conducted and Mr. N was advised of the results.

## Dear Ombudsman

Throughout my entire stay at the institutions I suffered a number of unfortunate circumstances, partly due to the fact that this was my first and last time in such an atmosphere and was unaccustomed to the workings of such an institution. I came upon the Ombudsman, my contact was simply a life saver in more ways than one, and without her, I would hate to think how much worse things might have been.

**Mr. O**, an inmate at a privately run correctional centre, wrote to Ombudsman Ontario complaining about the facility's failure to respond to his numerous requests to see

a doctor because he had discovered tumours he feared might be malignant. An Ombudsman Representative contacted the facility and spoke with health care staff about Mr. O's concern. As a result of our enquiry, Mr. O was seen by a

doctor the next day and provided with treatment.

**Mr. Q**, an inmate at a privately run correctional facility, complained he was not issued appropriate clothes by the facility. Mr. Q is obese and diabetic. He explained that the t-shirts, underwear and socks he was given were too small and that as a diabetic, with an injured toe, it was critical that he be given appropriately sized socks. Our office contacted facility officials, who immediately provided Mr. Q with clothing appropriate to his size and medical requirements.

**Mr. R**, an inmate in a segregation cell at a detention centre, complained that his cell was very cold at night. Ombudsman staff attended at the facility, met with facility officials, took temperature readings and reviewed facility temperature records. Our staff was not able to confirm Mr. R's allegation of cold temperatures in the segregation cells, but facility officials undertook to ensure that the temperature in the segregation area is balanced at night. Mr. R later confirmed that the situation had improved.

## Dear Ombudsman

I'd like to thank your staff for her perseverance in getting adequate medical care for me. My problem has finally been fixed and I owe a debt of gratitude to your staff who never gave up.

**Mr. S**, an inmate in a privately run correctional facility, contacted Ombudsman Ontario. He explained he was a diabetic and required a specific medication, which he was not receiving at the facility. Mr. S said he had spoken with several nurses and submitted requests to see the doctor but he had not received a response. An Ombudsman Representative contacted the facility's Health Care Coordinator to discuss Mr. S' situation. As a result of this enquiry, Mr. S was seen by a doctor and received the medication he required.

**Mr. T**, an inmate at a correctional complex, complained to our office that he had not been receiving diabetic meals for two weeks. He and his family had complained to the facility without success. An Ombudsman Representative spoke with the facility regarding Mr. T's concern and as a result, he began to receive his proper medical diet.

**Mr. U**, an inmate at a correctional centre, complained to our office that he was not receiving adequate health care. Mr. U had sustained broken ribs and teeth during his arrest. He had received no responses to his numerous requests to see a doctor and dentist. An Ombudsman Representative contacted the facility and explained Mr. U's concerns. The facility immediately arranged to have Mr. U seen by a doctor that day and by a dentist within a few days.

**Mr. V**, an inmate on immigration hold at a correctional complex, complained to our office that the facility was refusing to mail his letters to his lawyers and his Consulate free of charge. Facility officials told an Ombudsman Representative that they would not mail Mr. V's letters, as he was using large envelopes rather than the small envelopes provided to inmates for use at no charge. The Ministry's policy provides that inmates may mail two letters a week at no cost. The policy does not refer to the size of the envelope to be used. The Ministry's policy also states that correspondence with Consular or Embassy Officials is not to be

delayed or intercepted. After the Ombudsman Representative reviewed the Ministry policy with the facility, it agreed to mail Mr. V's letters at no cost to him and without further delay.

**Mr. W**, an inmate at a detention centre, called Ombudsman Ontario complaining he had not received a clean coverall in over two months. An Ombudsman Representative contacted the facility to discuss Mr. W's complaint. Facility staff confirmed that the facility did not carry Mr. W's size. However, as a result of our intervention, the facility immediately obtained a replacement coverall and provided it to Mr. W.

**Mr. X**, an inmate in a privately run correctional centre, called our office in distress. He explained that because of his mental state he was under a doctor's order not to share his cell with any other inmate. However, he stated he was sharing a cell and was hearing voices telling him to kill his cellmate. An Ombudsman Representative immediately contacted the facility and urged correctional staff to enquire into Mr. X's situation. Within minutes correctional staff called back to confirm Mr. X's story and explain that the doctor's order had been overlooked. Mr. X was immediately moved into a cell by himself.

**Mr. Y**, an inmate at a privately run correctional facility, called complaining he had been served the wrong meal at lunch. Mr. Y said he was on a strict medical diet and had been served a regular meal containing foods to which he is severely allergic. He stated he had alerted correctional officers who notified the kitchen of the mix-up. However, he explained that when a replacement meal was brought up it was given to another inmate and when he complained, he was told he would have to wait until dinner to eat. An Ombudsman Representative contacted the facility to discuss the situation. As a result of our enquiry, correctional staff ensured that Mr. Y was provided with a proper replacement meal.

**Mr. Z**, an inmate at a correctional complex, complained to Ombudsman Ontario that his life would be in danger if he were transferred to a particular facility. Mr. Z said he was scheduled to be transferred to a facility that held gang members arrested because of information he had provided to police. When an Ombudsman Representative contacted facility officials, they agreed to look into the matter further. As a result, Mr. Z met with facility officials and was re-classified to serve the remainder of his sentence at another institution.

**Mr. A**, an inmate at a privately run

correctional facility, contacted Ombudsman Ontario complaining that the medical cell in which he was housed did not have tables.

Mr. A was concerned

about accidentally spilling hot food. When an Ombudsman Representative contacted the facility, officials explained tables were not installed in medical cells because of security concerns. However, the Ministry told our office that many inmates in regular cells have desks or tables and suggested inmates who are ill also need tables near their beds. The Ministry's Senior Nursing Consultant undertook to review the situation. As a result of our office's intervention, the Ministry committed to ensure that bedside tables would be installed in all medical units at the facility.

**Ms B**, an inmate at a detention centre, complained to our office that she had requested a money order be deposited in her trust account three weeks before, but had not received a response. An Ombudsman Representative contacted the facility and requested that Ms B's account be reviewed. As a result of our enquiry, the money order was tracked down and Ms B received a receipt for its deposit.

## Dear Ombudsman

In the past, I held the belief that the

Ombudsman's office was only instituted to  
mollify inmate's grievances. But you did

right by me, and I thank you very much.

**Mr. C**, an inmate at a privately run correctional centre, complained he was suspended from attending the facility's school program because of alleged misconduct. He claimed the police had investigated the incident and found insufficient evidence to charge him. Mr. C explained the facility had not responded to his requests to be transferred back to a unit that provided a school program. An Ombudsman Representative contacted the facility, which could not explain why Mr. C was still being detained on a unit without a school program. After further discussions, the facility agreed to transfer Mr. C to another unit so that he could complete his studies.

**Ms D**, an inmate at a correctional centre for women, contacted our office in distress. She explained she was pregnant and had discovered she was bleeding. She claimed she had reported her condition to the nurse but had been told to submit a written request to be seen by a doctor. Ms D believed she needed urgent medical care as she felt her pregnancy was in jeopardy. She stated she could not wait to follow the standard practice for requesting to see a doctor. An Ombudsman Representative attempted to contact the facility's health care department, but was unable to reach medical staff. After trying a number of officials who were not available, our staff finally contacted an Operational Manager who agreed to immediately take Ms D to health care for the necessary examination.

**Mr. E**, an inmate in a correctional centre, contacted our office concerned he was not being allowed to enter a rehabilitation program for offensive sexual behaviour. Although Mr. E's application to participate in the program had been approved, he had been awaiting transfer to a treatment centre for over two months. As the treatment centre's programs require a minimum of six months of inmate participation and Mr. E only had five more months to serve on his sentence, his chances of being admitted into the program were decreasing. The officials at the facility

acknowledged time was running out for Mr. E to obtain any form of rehabilitative treatment. Given these circumstances, our staff contacted the treatment centre to ensure there was a bed still available for Mr. E and then contacted the Manager for the Offender Transfer Operations, who arranged for Mr. E's immediate transportation to the treatment centre.

**Mr. F**, an inmate at a correctional complex, contacted our office regarding his request for transfer to a facility close to his home prior to his release. Mr. F explained he had been told his transfer request had been approved but then had heard nothing since, despite having submitted numerous written requests for information. An Ombudsman Representative contacted the facility to discuss Mr. F's situation. The facility confirmed Mr. F's request for transfer had been approved but explained because of staff oversight, the bailiffs had not been notified of the pending transfer. After we contacted the facility, Mr. F was promptly transferred to the facility close to his home.

**Mr. G**, an inmate at a correctional centre, spoke to our office through a interpreter. He explained he had broken his leg last year and had been wearing a leg support prior to his incarceration. He claimed his leg was currently swollen to double its size and he was in pain. He said the facility's physician had recommended he wear an ankle support and measurements had been taken, but nothing had happened so far. An Ombudsman Representative spoke to health care officials at the centre, who ensured Mr. G was provided with the recommended support for his ankle.

**Mr. H**, an inmate at a jail, called complaining he was not receiving appropriate visitor access. He explained he had been placed in segregation for protective reasons, as he was involved in a highly publicized murder trial, in which his brother was a victim. He said before going into segregation he was allowed visitors between 1 p.m to 4 p.m. but in segregation he was allowed visitors only between noon and

1 p.m. An Ombudsman Representative contacted the jail to discuss the situation. The facility agreed Mr. H's visiting hours should not have been restricted and they were extended accordingly.

**Mr. I.**, an inmate at a correctional centre, complained to our office about the lack of privacy when he met with his lawyer. The facility required that he talk to his counsel over a phone through a glass partition. This made it very difficult for Mr. I to review transcripts or study documents and he claimed it compromised his solicitor/client confidentiality. As a result of our office's intervention, the facility agreed to allow Mr. I to meet with his lawyer in private.

**Mr. B.**, an inmate, was transferred from a privately run provincial correctional facility, to a federal facility during the labour dispute of 2002. His property was not transferred with him. A property document from the federal facility identified that his property arrived a week after Mr. B was transferred. However, Mr. B's briefcase, which the operator of the provincial facility indicated contained his personal property, did not arrive at the federal facility with his other property. Mr. B attempted to resolve the issue with the provincial facility. However, the operator's investigation did not resolve the matter because it had not retained relevant records about the inmate's requests for his property, nor did it retain documents identifying when and by whom the property was transferred to the federal facility. As a result of an enquiry by our office, the operator of the provincial facility agreed to reimburse Mr. B \$300 for his lost property.

**Mr. C.**, a former inmate, wrote that his property was lost when he was transferred to a privately run provincial correctional facility. As a result of an enquiry by our staff, the facility investigated the matter and located the property. However, the facility required Mr. C pick up the property. By this time, Mr. C lived a substantial distance away. After additional efforts on the part of our staff, the facility agreed to return the property directly to Mr. C, at its expense.

**Mr. M.**, an inmate at a correctional complex, complained his clothes were lost when he was in the Admission and Discharge area during a transfer to a privately run provincial correctional facility. Mr. M stated that when he examined his garment bag before boarding the bus to go to his new facility, he found it was empty. Mr. M repeatedly raised the issue of his missing clothes with the staff of the correctional complex during the transfer but they refused to deal with the matter. The property sheet filled out by the correctional complex identified various items of clothing, but the only clothing itemized by the receiving facility's staff on Mr. M's arrival was a belt. When Mr. M left the correctional complex he signed his property sheet to ensure his other personal items were released and forwarded with him. Institutional documents confirmed only one property bag was transferred.

Initially, the correctional complex refused to reimburse Mr. M because he had signed for his property when he was being transferred. However, our notice of intent to investigate prompted the facility to pay Mr. M \$1,610 for his missing clothes.

**Mr. J.** complained to our office that a correctional complex had not forwarded his foreign currency when he was transferred to a federal facility in May 2002. He was currently in another federal facility. When Mr. J was admitted to the correctional complex it was noted on his personal property declaration form that he had 3,000 Jamaican dollars and 140 British pounds. Correctional staff told us that Mr. J's foreign currency had been placed in a plastic bag, sealed in his property bag and sent to the federal penitentiary in June 2002. The federal facility Mr. J was in, stated it received Mr. J's property bag in August 2002 but it did not contain the foreign currency. Review of bailiff records indicated Mr. J's property was picked up from the provincial correctional complex in August 2002. After Ombudsman staff discussed the case further with the provincial facility, it agreed to reimburse Mr. J for the missing funds noting

that the property loss appeared to be related to deficiencies occurring as a result of the labour dispute in 2002.

**Mr. E**, a federal inmate, contacted our office. He had been transferred to a jail to testify in court as a witness. Mr. E feared for his safety, given his witness status, and because it was possible an inmate who had stabbed him in the past or another involved in the incident, might be at the same facility. Mr. E had not yet been taken to court to testify and

jail staff had told him the transfer had been a mistake. Mr. E told Ombudsman staff he could not sleep and had attempted suicide a few days before. As a result of an enquiry by our office, a senior jail official immediately met with the inmate, placed

him in administrative segregation to ensure his safety and arranged for his transfer back to the federal correctional system. The official also told Mr. E to notify the institutional security officer in his federal facility, if he was to be transferred back to the provincial correctional system to testify, in order that steps could be taken to ensure his safety.

**Mr. F**, an inmate at a jail, called us asking for assistance. He explained he had been arrested on one charge and told there was also an outstanding warrant for his arrest. Mr. F spent a night at the police station. The next day he was granted bail on the recent charge and transferred to the jail. However, at the jail, when he went to sign papers related to his release, he was told he still needed to serve additional time on the outstanding warrant. He was told that the date on the executed warrant was two days after he was actually taken into custody and accordingly, the time he would have to serve would start on that date. An Ombudsman Representative

contacted the Ministry to discuss Mr. F's sentence calculation. The Ministry attempted to contact the police to verify when the warrant was executed but the officers in question were not available. As a result of further discussions with our office, the Ministry agreed that Mr. F had completed his sentence requirement and he was released one day earlier than he was originally advised he would be.

## Adult Institutional Services, Eastern Region

**Mr. C**, an inmate in a small correctional facility, complained to Ombudsman Ontario that despite the fact he has a life-threatening allergy to beets, he had been served beets three times. An Ombudsman Representative contacted both the Food Services Manager, who had no record of Mr. C's allergy and the Health Care Coordinator, who confirmed Mr. C's allergy to beets. The facility immediately corrected its food service records to ensure that Mr. C was never served beets again.

**Mr. F** contacted our office concerned about another inmate, Mr. G, who was unwell. He said Mr. G was experiencing trembling, cold chills and convulsions. An Ombudsman Representative contacted the Health Care Coordinator regarding the matter. The Coordinator undertook to look into the situation immediately. The next day, the Coordinator confirmed that the facility doctor had seen Mr. G, who had been sent to the hospital by ambulance and later returned to the facility.

**Mr. P**, an inmate at a detention centre, contacted Ombudsman Ontario, complaining that a correctional staff member had thrown a prayer book to the floor and that the facility had not addressed his complaint about the incident. As a result of an enquiry by our office, senior facility officials spoke with the inmate and an internal investigation was commenced into the incident.

## Dear Ombudsman

I really appreciate the concern and support you have shown toward me, as well as the valuable information you have given me. Every little ray of hope counts – and you have given that to me. Thank you.

him in administrative segregation to ensure his safety and arranged for his transfer back to the federal correctional system. The official also told Mr. E to notify the institutional security officer in his federal facility, if he was to be transferred back to the provincial correctional system to testify, in order that steps could be taken to ensure his safety.

**Mr. F**, an inmate at a jail, called us asking for assistance. He explained he had been arrested on one charge and told there was also an outstanding warrant for his arrest. Mr. F spent a night at the police station. The next day he was granted bail on the recent charge and transferred to the jail. However, at the jail, when he went to sign papers related to his release, he was told he still needed to serve additional time on the outstanding warrant. He was told that the date on the executed warrant was two days after he was actually taken into custody and accordingly, the time he would have to serve would start on that date. An Ombudsman Representative

**Mr. X**, an inmate at a correctional centre, called to complain that it was very cold in the facility. An Ombudsman Representative contacted the facility to enquire about the heating situation. Correctional staff inspected the area and determined it was only 66 degrees Fahrenheit. As a result, the facility took immediate steps to increase the heat.

## Adult Institutional Services, Northern Region

**Mr. B**, an inmate in a regional jail, complained to our office about the conduct of a correctional officer. Mr. B explained the officer had made disparaging remarks when he had applied to join a treatment program. Mr. B had complained to the facility but a number of weeks had gone by without any resolution. Facility staff confirmed that the incident did occur, that the remarks made to Mr. B were inappropriate, and that an incident report had been compiled. However, the report had not been forwarded to the Superintendent's attention. Following our intervention, the incident report was immediately submitted to the Superintendent, the officer was reprimanded and an apology was offered to Mr. B.

**Mr. J**, an inmate in the segregation unit of a correctional complex, complained to our office that he was unable to sleep because lights were kept on in the unit 24 hours a day. He explained that, after a number of inmates had committed or attempted to commit suicide while in segregation, new lights had been installed to assist correctional staff in observing inmates. Mr. J said that the new lights had been on day and night for two weeks and that everyone in the area was sleep-deprived. An Ombudsman Representative contacted the Superintendent to discuss the situation. As a result of our enquiry, the Superintendent inspected the area, agreed the lights were very bright and had a dimmer system installed to address the issue.

**Mr. K** is an inmate in a treatment facility. He stated because of a pre-existing back injury he needs access to an open cell so he can sit or lie down as required. An Ombudsman Representative contacted the facility, which agreed to move Mr. K to a cell in medical segregation so he could access his bed, at any time. Mr. K also complained staff had opened his mail from his lawyer without his being present, in contravention of Ministry policy. After our office called the facility to discuss this incident, a memo was issued to all staff requiring adherence to the Ministry policy regarding confidential correspondence.

## Adult Institutional Services, Western Region

**Mr. D**, an inmate at a detention centre, wrote several letters to our office. He was placed in administrative segregation for a few weeks at his request. He told us that during his time in segregation all the personal property he had in his cell, including telephone directories and a dictionary, was removed. He also stated his access to the telephone had been severely restricted. An Ombudsman Representative contacted the facility and was told that, as personal property in the segregation area often was lost, a decision had been made that all inmates, regardless of their status, would not be allowed to keep any personal property with them. Our review of the facility's new segregation procedures revealed inmates placed in administrative segregation were being treated the same as those placed in segregation as a punitive measure. No personal property was allowed, no pillows were provided and telephone access was very limited.

It was apparent to our staff that the facility was acting in contravention of Ministry policy. Ministry policy requires that, unless there are reasonable and compelling reasons to the contrary, inmates in administrative segregation are to be accorded the same conditions of confinement, rights and privileges as those afforded inmates in the general population.

These rights and privileges include reasonable access to telephone services, a reasonable amount of personal property, clothing and bedding. The Ombudsman Representative brought this policy to the facility's attention but no changes were made. The Ombudsman Representative then contacted the Acting Deputy Regional Director to discuss the situation. As a result, he readily agreed the facility was in violation of Ministry policy and immediately wrote to the facility, setting out the policy that must be followed in the segregation area.

**Mr. E** complained to the Ombudsman that he had a bad skin condition and the facility in which he was housed would not give him the medically prescribed soap, mineral oil and lotion that had been given to him at another facility. He said the facility told him it did not allow the use of mineral oil for security reasons and that he could purchase the soap from the canteen. Ministry practice requires that inmates be provided with medically required products. When we contacted the facility, we were told that the soap was not available from the canteen but could be ordered by health care from a pharmacy at Mr. E's expense. After further discussion with facility officials, the facility agreed to provide Mr. E with the products he required, with the exception of the oil.

**Mr. G**, an inmate at a detention centre, complained to our office that he had not been given the opportunity to change into his street clothes before attending court. Mr. G told us that correctional staff had not responded to his concerns about the incident. Our office immediately contacted the facility and referred the Deputy Superintendent to the Ministry policy guidelines, which specify inmates attending court should be dressed in their own clothing. The Deputy Superintendent attributed this incident to miscommunication and assured our office that it would not recur. Mr. G told our office that as a result of our intervention, he had received assurances from the facility that he will be able to wear his own clothing for his next court appearance.

**Mr. L**, an inmate at a correctional centre, complained to our office that his tinted prescription glasses had been taken away by correctional staff because of the darkness of the lenses. Mr. L claimed as a result of the removal of his glasses, he could not see clearly, felt vulnerable and had suffered from headaches. Although Mr. L had received an older pair of glasses a day and a half after they were removed, he was still concerned about the facility's actions. An Ombudsman Representative contacted the Security Manager at the facility to discuss the situation. The Security Manager confirmed that tinted glasses are not allowed in the facility unless the inmate's eyes are sensitive to the sun. However, he said Mr. L's glasses should not have been removed until a replacement pair had been made available. As a result of our enquiry, the Security Manager issued a memorandum confirming that inmates should be allowed to keep prescribed tinted glasses in their possession until they are replaced with normal prescribed glasses.

## Ministry of Consumer and Business Services

### Registrar General Branch (the Branch)

**Ms A**, an out-of-province lawyer, called to complain she had applied twice for her client's marriage certificate, which was required for a divorce proceeding. Ms A explained she had tried unsuccessfully to reach the Branch by phone to find out why there was a delay in processing the first application and sent a second application three months later when she could not get the Branch to confirm receipt of the original application. As a result of our intervention, the Branch printed the marriage certificate and Ms A received it within a week.

**Mr. B** complained to our office about the delay he was experiencing in obtaining a birth certificate. He explained that he is a Canadian citizen who has resided and worked in the United States for over a decade. He stated that because of new security measures, the United States government required that he produce his birth certificate by a certain date, in order to continue living and working in the United States. Mr. B said he had applied for expedited service, which involves an extra \$15 charge, and had been told he should have the certificate within 10 days. Mr. B explained that the 10 days had passed, he still did not have his certificate, and the deadline to provide the certificate was imminent. He said that the Branch could not confirm whether or not his application had even been received. As a result of our contact with the Branch, the Branch located Mr. B's application, started working on it immediately and Mr. B received his birth certificate in time.

**Mr. C** complained to Ombudsman Ontario that he was having difficulty obtaining his birth certificate. He explained that he had returned to Canada after living out of the country for many years and that his wallet with all his Ontario identification had been stolen. Mr. C said he had been unable to obtain Ontario Health Insurance Plan coverage, a driver's licence and a social insurance number without his birth certificate. Mr. C also explained that he had no income and could not obtain employment without first obtaining his birth certificate. By the time our office became involved, Mr. C had two applications active at the Branch. He had first applied for normal service and sent in a money order. However, when he learned it would take 24 days to process his first application, he applied for expedited service. Mr. C was told that the Branch would not process his second application because he did not have a credit card. An Ombudsman Representative contacted the Branch to discuss the case. As a result of our intervention, the Branch agreed to locate Mr. C's earlier application, apply the money order to the request for expedited service and provided Mr. C with his birth certificate.

**Mr. D** contacted the Ombudsman because the Branch had not processed his application for a birth certificate and he needed one within a day, in order to apply for a passport to leave the country for work purposes. As a result of our enquiry, the Branch printed the certificate and delivered it the next day.

**Mr. E** complained to Ombudsman Ontario that he had applied for a birth certificate for his son on an emergency basis and had not yet received anything from the Branch. Mr. E explained that he had been unable to get through to the Branch by phone. Mr. E needed the certificate urgently, as his family was leaving the country in a few days. An Ombudsman Representative contacted the Branch, which acknowledged it had been having difficulty keeping within the timelines for emergency services. As a result of our intervention, the Branch couriered the certificate to Mr. E the next day.

**Ms F**, a senior and recent widow, complained to our office about the Branch's delay in issuing a death certificate. She stated that the Branch had promised to deliver the certificate to her four days earlier. She explained that she needed the birth certificate to settle an estate overseas and that if she did not receive the certificate within two days, she would lose a lot of money. As a result of our contact with the Branch, Ms F received the certificate the next day.

**Ms G** contacted our office because she was having difficulty obtaining a birth certificate for her infant son. She had applied in October 2003 and re-submitted her application for emergency service in November 2003. She explained that the Branch had told her it had mailed the certificate to her on December 4 but she had not yet received it. She said the Branch told her it would call her back with a Canada Post tracking number so she could try to find her son's birth certificate but no one had called her, her Member of Provincial Parliament had been unsuccessful in obtaining

an answer and she was unable to get through to the Branch by phone to follow up herself. When our office enquired as to the status of Ms G's application, we discovered that the birth certificate was ready but for unknown reasons, it had not been mailed to Ms G. As a result of our intervention, the birth certificate was couriered to Ms G that same day.

**Ms V** complained to our office about the Branch's delay in processing her application for her daughter's birth certificate. Ms V had filed two applications, the second on an expedited basis. Ms V's daughter was scheduled to leave the country and required her birth certificate on an urgent basis. Ms V

said she was unable to get through to the Branch by phone. Our office contacted the Branch, which confirmed the certificate had been printed and agreed to have it sent to Ms V by express post. The day before the certificate was required for travel, we learned that it had not been sent. As a result of the Branch's further discussions with our office and Ms V, it had the certificate flown overnight so that it reached Ms V in time.

## Dear Ombudsman

I would like to mention the outstanding job that your office did in assisting me this week. I had applied for and received a guarantee of 48 hour service for my daughter's birth certificate. Apparently, 48 hours means "whatever." I absolutely had to have this paperwork by Friday. My MPP got nowhere with inquiries, so I contacted your office. Your staff person arranged to have everything done in time, somehow. This means a lot to me and my family and we can't thank her enough. Awesome job getting a response from an agency that I could not ever get to on the phone.

**Mr. Z** complained about the Branch's delay in providing him with a letter confirming his marriage registration and his marriage certificate. Mr. Z explained that he had called the Branch numerous times and his Member of Provincial Parliament had also called without success. Within four business days of our enquiry to the Branch, it confirmed that the letter and certificate had been printed and would be mailed out to Mr. Z.

**Mr. A** complained to Ombudsman Ontario about the difficulty he was having getting his son's birth certificate replaced. Mr. A's son was getting married in a few days and he was giving him a surprise honeymoon in Mexico. Unfortunately, his son had lost his birth certificate and he would need one to travel. Mr. A had attended in person at a Ministry office, two months before contacting our office, to file an application for the birth certificate. He had followed up a number of times with the Branch and was eventually told there had been a problem with mismatched information that caused delay. Before contacting our office, Mr. A had been told the birth certificate would be mailed to him the next day but could not be couriered. He was concerned the birth certificate would not arrive in time for his son to take his honeymoon. An Ombudsman Representative contacted the Branch and the next day Mr. A received the certificate just in time for the wedding.

**Mr. B** complained to Ombudsman Ontario that the Branch's toll free general inquiry line was constantly busy. He stated he wanted information about how to apply for a copy of a marriage certificate but had tried for a week unsuccessfully to get through to the Branch by phone. An Ombudsman Representative contacted the Branch to discuss the situation. As a result of our enquiry, Branch staff promptly contacted Mr. B and provided him with the necessary information.

**Ms C** resides in the United States. Her late spouse died in Ontario last spring. Ms C contacted Ombudsman Ontario claiming she had been waiting for over four months to receive copies of her spouse's death certificate. She said the Branch told her in July it would take up to six weeks to get the certificate. In early August, she mailed credit card information in response to the Branch's letter stating it could not accept a cheque in American funds. Ms C explained she could not afford to telephone Thunder Bay Ontario and wait on the line up to 45 minutes to reach a voice mail box. Her financial situation was becoming desperate and she needed the death certificate to access assets and settle her husband's estate.

Our office contacted the Branch enquiring about the status of Ms C's application. The Branch could not find her application or any other documentation on her case. An Ombudsman Representative arranged for Ms C to fax her documents relating to her application to the Branch and our assistance led to the certificate being mailed out to Ms C a few days later.

**Mr. D** contacted Ombudsman Ontario for assistance in obtaining a correct birth certificate. Mr. D had recently requested a birth certificate from the Branch. He had received the certificate, but his name had been misspelled. He was scheduled to leave the country in a few days for a number of months and wished to have a correct birth certificate before he left. He had sent the incorrect certificate back two weeks before contacting Ombudsman Ontario, but had heard nothing further. An Ombudsman Representative contacted the Ministry and the Branch agreed to print a correct certificate that day and courier it the next day to Mr. D so that he would receive it before he left the country.

**Mr. E** contacted Ombudsman Ontario complaining about the difficulty he was having obtaining birth and marriage certificates from the Branch. He said he needed the certificates urgently because he was leaving the country shortly to start a new job. Mr. E explained he had called the Branch in early December 2003 and was told if he attended an office in person, he could get birth and marriage certificates on the same day he applied for them. Consequently, Mr. E spent \$250 to take a train to Toronto with his family to apply for the necessary certificates. When Mr. E and his family arrived at the Branch office, they waited in line only to be told the Ministry had cancelled same day service that week. Mr. E said he was then told he could obtain the certificates in 48 hours. Mr. E noted when his family finally made it to the counter for service, they were told they could not get the certificates in 48 hours because this service was limited to 200 people a day and they were over the limit. Mr. E was then told he could obtain the certificates within 10 days. Mr. E contacted Ombudsman Ontario because he had not yet received the certificates and was concerned the certificates would not arrive before he and his family left the country. An Ombudsman Representative called the Branch and after this discussion, the Ministry looked into the matter and confirmed a few days later that the birth certificate had been sent out and the marriage certificate would be sent out that day by courier.

## Ministry of Energy

### Hydro One Networks Inc. (Hydro One)

**Mr. A** complained to Ombudsman Ontario that although he had requested years ago when his electrical system was upgraded, that Hydro One bill him for his exact charges, it continued to bill him using estimates and had recently billed

him for approximately \$2,000 in back charges. When we contacted Hydro One, it acknowledged that when Mr. A's meter was changed, the changes were never completed in the Hydro One computer system and this resulted in the meter not being read. Hydro One agreed to credit Mr. A with service charges and late payment charges and enter into a payment arrangement with him.

**Ms B**, a social assistance recipient, complained to our office that Hydro One was threatening to terminate her service if she did not make a payment of \$715. Ms B explained that she could only afford to pay a maximum of \$200 monthly. Following our contact with Hydro One, it agreed to await Ms B's income tax refund for payment.

**Ms Z** contacted our office explaining that she and her spouse own and operate a motel. She said they had been experiencing financial problems and the property was up for sale.

Ms Z explained that they were behind in paying their hydro bills by several thousand dollars but had told Hydro One that they could pay \$700 immediately and pay the difference in installments. She said that Hydro One had at first agreed to this arrangement, but later called rejecting the proposal and threatening to terminate hydro service unless a security deposit equivalent to two-and-a-half months' hydro usage was provided, \$1000 was paid immediately and the balance paid the following week. Following our discussion of Ms Z's concerns with Hydro One, Ms Z and Hydro One entered into a repayment agreement, which did not require the payment of a security deposit and established an equal payment billing plan for the future.

**Mr. A and Ms B** complained to the Ombudsman that Hydro One had disconnected their power supply. The complainants are farmers and they need the power supply for their barn. They were very concerned for the safety of their livestock given the cold temperatures and their cattle's need

for water. The complainants explained that Hydro One had admitted to over-estimating their hydro usage over the last six months. They claimed that while Hydro One had reimbursed them for the over-estimated usage, it had not adjusted the corresponding delivery charges and service fees or rebated late payment charges on money they claimed they did not owe. The complainants stated they should have a credit with Hydro One of approximately \$1,700. An Ombudsman Representative contacted Hydro One to discuss the situation. Hydro One staff committed to looking into the complaint on an urgent basis. Within a matter of hours, Hydro One arranged for the complainants' hydro service to be reconnected and Mr. A and Ms B agreed to negotiate an interim payment schedule, while their account was being adjusted and reviewed.

**Mr. C** complained to Ombudsman Ontario about Hydro One's billing practices. He explained that when he moved into his current residence, the hydro billing was supposed to be adjusted from seasonal to residential use. He chose to be billed each month but for the meter to be read every three months. During the year, Mr. C received monthly billings but then received a large bill adjusting his account at the end of the year. He then discovered the hydro billing had not been adjusted and his meter had not been read all year. Hydro One acknowledged they had erred by not changing the billing from seasonal to residential. However, because Mr. C intended to move out of the residence, it required that he repay the bill within a couple of months. Mr. C considered this to be unfair. An Ombudsman Representative contacted Hydro One to discuss the matter. Hydro One consequently discussed the matter with Mr. C and offered him a year's service charge credit and the option of repaying the bill over an extended period.

**Mr. D** complained to the Ombudsman about Hydro One's billing practices. He explained when he and his late spouse moved into their home in 1999, they notified Hydro One

they were in the process of renovating for year round use and requested that they be billed on a monthly basis. Mr. D claimed that although Hydro One had agreed to read the meter quarterly and send the bills monthly, it had never adjusted its billing. In August 2002, Hydro One billed Mr. D approximately \$8000. Mr. D is in receipt of social assistance and had difficulty paying this amount. Hydro One warned him his service would be disconnected if the bill remained outstanding. An Ombudsman Representative called Hydro One to discuss Mr. D's account. After considering Mr. D's situation, Hydro One agreed to enter into a repayment agreement with him. It also made numerous adjustments to his account, crediting him for late payment charges and removing \$500 in interest charges.

**Mr. E** called our office concerned that Hydro One had notified him it would be disconnecting his service the next day. Mr. E explained his spouse is very ill and he is trying to support his family of four on benefits he receives through the Ontario Disability Support Program. Mr. E said he was unable to pay the outstanding hydro charges. An Ombudsman Representative contacted Hydro One and as a result, Hydro One stopped the disconnection order and entered into a repayment agreement with Mr. E.

**Mr. and Mrs. F** contacted Ombudsman Ontario concerned that Hydro One would be disconnecting their service the following day. They explained they were unemployed and unable to pay their hydro bills in full. They said they had been unsuccessful in their attempts to negotiate a repayment schedule with Hydro One. When our staff contacted Hydro One, it committed to looking into the complaint on an urgent basis. Within a matter of hours, Hydro One had offered Mr. and Mrs. F a repayment schedule, which they accepted, and their service remained connected.

## Ministry of Finance

### Retail Sales Tax Branch

**Mr. D**, an owner of a business, complained to the Ombudsman that the Retail Sales Tax Branch had inappropriately charged him interest on his account after it delayed cashing his remittance cheque for three months. Mr. D had written and called the Ministry to complain but he was told the interest charges were valid. An Ombudsman Representative contacted the Branch, which undertook to review the matter. As a result of our enquiry, Mr. D's file was reviewed, the interest charge eliminated and all collection efforts suspended.

**Dear Ombudsman**

Thank you very much for your efforts in respect of my application for a delayed registration of birth. I was elated today when I was advised by the Registrar General's staff that the birth certificate was to be mailed immediately.

## Ministry of Health and Long-Term Care

### Assistive Devices Program

**Ms P** contacted our office regarding the Assistive Devices Program. Ms P explained she needs oxygen at home and cannot afford it. She said her specialist believed she was unlikely to qualify for home oxygen under the Assistive Devices Program and had not forwarded her application to the Program. Ms P could not understand why she wouldn't qualify for assistance. An Ombudsman Representative contacted the Ministry to discuss Ms P's case. The Ministry

agreed to contact Ms P directly and told her to ask her specialist to check if her oxygen level drops significantly during exercise. The specialist treating Ms P carried out the tests suggested by the Ministry and, based on the results, he determined she would qualify for assistance. He submitted Ms P's application, which was in turn granted by the Ministry.

## Community Care Access Centre

**Mr. R** and his sister hold a power of attorney for their mother, whose name had been on a waiting list for a bed in a long-term care facility in her community. Mr. R contacted Ombudsman Ontario because his mother's name had been removed from the waiting list.

Mr. R explained that his family had identified three of their preferred choices for a bed in a long-term care facility for their mother, but later changed their first choice when a new residential facility was built near their mother's home. Mr. R said the family declined the local Community Care Access Centre's offer of a bed in the facility that had previously been the family's first choice, hoping that their mother would eventually find a bed in the new facility. Mr. R said the family was surprised to find out later that their mother's name had been removed from the list for all the long-term care facilities they had identified and that their mother would have to start over again and wait at least six months to re-apply for a space. Mr. R explained that if he had known that by rejecting the bed that had been offered, his mother's name would be removed from all waiting lists, a different decision would have been made.

An Ombudsman Representative contacted the Centre, which advised that an individual has 24 hours to accept a bed offer and if they refuse, their name is removed from the waiting lists for all three of their choices and they must re-apply to be placed back on the lists. The Centre said the information about being removed from the waiting lists is

provided to families in an initial intake package and the information that individuals have 24 hours to decide whether to accept a bed is provided when the Centre calls to make the offer. The Centre explained it did have an appeal process that is outlined on their website and a pamphlet, but no one had used it in the last two years. Our office referred Mr. R to the appeal process to address the circumstances around the removal of his mother's name from the waiting lists. As a result of our discussions with the Centre, it agreed to include information about its appeal process in decision letters regarding removal of names from waiting lists. The Centre also agreed to review its communication tools and find additional ways of revising its written information to include the fact that families have 24 hours to make a decision about whether to accept a bed. The Centre undertook to provide our office with copies of the revised materials.

**Ms K**'s spouse suffers from Lou Gehrig's Disease and is paralyzed from the neck down. Ms K called the Ombudsman because she was dissatisfied with the services provided by a Community Care Access Centre. The Centre had approved nursing assistance in the home to help Ms K to care for her spouse. However, two nurses had stopped going to the home and Ms K was told one of them could not be replaced. Ms K was unaware that the Centre had a complaint process. An Ombudsman Representative contacted the Centre to discuss Ms K's plight. The Centre told our office that the Case Manager is required to take steps to resolve issues involving interruption of services. If these steps fail, a complaint form is to be completed. The Centre acknowledged Ms K may not have received complaint information, which is supposed to be provided to all families receiving services, and that the Case Manager did not follow the required steps when services were interrupted. As a result of our involvement, the Centre immediately took action to resolve the situation and a replacement nurse was found.

## Ontario Health Insurance Plan (OHIP)

**Mr. M** became a Canadian citizen four years ago and is now a new father. He contacted our office because he could not get health coverage for his 10-month-old daughter. Mr. M explained his spouse had given birth back in her country of origin. He was told by the local OHIP office his daughter would have to wait three months before she could obtain health coverage in Ontario. Mr. M was quite distressed, as his daughter needed vaccinations and was ill and needed medical attention. An Ombudsman Representative contacted the OHIP office to discuss the situation. OHIP staff confirmed that a Canadian citizen's child born outside the country must wait three months for health coverage. However, in answer to our enquiries, OHIP staff told us that eligible citizens are entitled to two years' vacation absence during their lifetime. OHIP staff also suggested that one year of Mr. M's daughter's vacation entitlement be applied so that her medical costs from the date of birth could be claimed and covered by OHIP.

## Provincial Mental Health Centre

**Ms L**, a patient at a Provincial Mental Health Centre, complained to our office that the Centre had not responded to letters written by the Patient Advocate on her behalf, about insufficient privacy and noise protection in phone booths used by patients on her ward. An Ombudsman Representative contacted the Patient Advocate who confirmed that the phone booths were of poor quality and that the Centre had not responded to this issue. As a result of our enquiry to the Centre, it committed to constructing a better quality phone booth.

## Trillium Drug Program

**Mr. and Mrs. A** complained to the Ombudsman about a delay in the processing of their application for Trillium Drug Program coverage. They explained they had qualified

for coverage in 2002 because of their high drug costs and reapplied in the summer of 2003. They said they had called the Ministry about their application and been informed there was a processing backlog and they should mail in their prescription receipts for reimbursement. Mr. and Mrs. A said, after waiting six months and sending in over \$1,000 in receipts, they could no longer afford to pay cash up front for their medication. An Ombudsman Representative contacted the Ministry to enquire into Mr. and Mrs. A's status under the Program. The Ministry stated it would review the matter and within four business days, Mr. and Mrs. A's application for 2003-2004 had been processed and approved and a cheque had been requisitioned to reimburse them for their eligible drug costs for six months. The Ministry also arranged for their pharmacy to issue the medication, collect the deductible and administer their coverage onsite.

## Ministry of Labour

### Workplace Safety and Insurance Appeals Tribunal (WSIAT)

**Mr. A** complained to the Ombudsman that although the WSIAT had heard his case, 20 months later he had still not received a decision. The decision was finally released the same day the Ombudsman initiated an investigation into the WSIAT's delay. The WSIAT's Chair responded that the WSIAT had been experiencing significant production problems throughout 2003 because of a limited number of Vice-Chairs on its roster. The Chair explained that the former Minister of Labour had not reappointed a number of the Adjudicators and the number

**Dear Ombudsman**

WSIB finally responded to the letter.

Without Ombudsman Ontario's help, my case with WSIB may be left on the shelf for years. Good news it is not left on the shelf anymore.

of Adjudicators had decreased from 90 to fewer than 50 by the end of 2003. The Chair also explained that the shortage of Adjudicators had caused serious scheduling and production problems. He stated there was now a backlog of appeals and a writing backlog, which had developed as the current Adjudicators with the WSIAT had taken on additional cases in an attempt to compensate for the reduced roster. The Chair noted that the new Minister of Labour had recently reappointed a number of experienced Adjudicators and had been supportive of the concept of quality appointees. He anticipated that the WSIAT would be in a position by September 2004 to gradually recover from the current situation and eliminate most delays. However, he added that this success would depend, in part, upon the Ministry approving an increased budget to accommodate the increased Adjudicator roster and caseload. The Ombudsman will continue to monitor the issue of delays at the WSIAT over the next fiscal year.

### **Workplace Safety and Insurance Board (WSIB)**

**Mr. B**, who is deaf and communicates through sign language, complained that the WSIB had not provided him with any information about the status of an appeal he had filed in 1995. Mr. B also raised questions, which he wished the Board to address, relating in part to the Board's accommodation of the special needs of those who communicate through sign language. Ombudsman Ontario contacted the WSIB to enquire into Mr. B's case. After reviewing the file, the WSIB acknowledged that there had been an oversight and the appeal had never proceeded. The WSIB undertook to send Mr. B an objection form to complete, following which the appeal would be processed and to write to him directly to answer the additional questions he had raised. Mr. B told our office shortly after that he had received payment from the WSIB.

**In Ms U's case**, reported in last year's Annual Report, she received over \$16,000 in unpaid interest on her pension arrears, as a result of our intervention. The Ombudsman had expressed concern that there might be other injured workers who had also not received interest on pension arrears. Consequently, this fiscal year, the WSIB conducted a review of cases involving interest on arrears payments resulting from appeal decisions from October 1995 to 2000. The WSIB has reported that it completed its review, paid interest when required and made administrative improvements.

**Ms E** complained to the Ombudsman about the WSIB's failure to issue a written decision. Ms E explained she had been trying to get a written decision denying her claim so she could appeal it. She then learned in October 2003, that a formal decision had been made and communicated to her former representative in November 2000. The limitation time for appealing this decision had expired and Ms E was told she would have to request the time limit be waived if she wished to object. An Ombudsman Representative contacted the WSIB for clarification. A WSIB Adjudicator explained it had been decided that Ms E was not entitled to further benefits after November 13, 2000, because of an employer layoff. The Adjudicator explained no written decision had been issued because Ms E's representative had agreed with the decision. After considering the matter further, the WSIB agreed to waive the time limit and provide a new written decision to Ms E, which would allow her a six month period to file an objection.

### **Management Board of Cabinet**

#### **Ontario Pension Board (the OPB)**

**Ms A** complained to the Ombudsman about the OPB. She explained she had been employed by the provincial government from 1977 to early 2003. When she left her job,

she was assured the OPB would forward her pension options package within six weeks. Three months later, Ms A had still not received the package and she began calling the OPB. She said she was initially told the OPB was backlogged and later, she was told her file had been transferred but she was not told who had the file. As a result of our enquiry, Ms A received her pension option package within a matter of days.

### Management Board Secretariat

**Ms L** filed for student loan bankruptcy in 1998 and was discharged in 1999 from having to repay her Ontario Student Assistance Program (OSAP) loan. She complained to our office that she had been contacted by a collection agency to recover the loan and was unable to purchase a house because a credit bureau report stated she still owed money on the OSAP loan. After our office contacted Management Board Secretariat to discuss the case, it reviewed Ms L's account, wrote the loan off and notified the collection agency. As a result of our assistance, the collection agency closed the account and notified the credit bureau to correct its records and Ms L obtained an unexpected refund of monies she had paid after the loan had been discharged.

## Ministry of Natural Resources

### Lands and Waters Branch

**Mr. and Mrs. G** are seniors who complained to the Ombudsman that the Ministry was preventing them from selling their property. They explained the Ministry had alleged that they or the previous owners had back-filled the property illegally and the Ministry claimed it contained Crown land. The complainants denied this claim. They said despite personal visits, calls, and letters from their lawyer and surveyor, the Ministry refused to clear their title. An Ombudsman Representative contacted the Ministry and determined it had not obtained property dimensions or other relevant documentation from the couple's surveyor and

lawyer. After the Ministry received and reviewed these documents, it delivered a letter to Mr. and Mrs. G confirming their property did not contain Crown land and their title was cleared.

### Ontario Parks

**Mr. H** complained to the Ombudsman that Ontario Parks policy, which requires cheques be provided 21 days in advance of the first day of a reservation, is unreasonable. He also claimed it was unreasonable for the Ministry not to permit individuals to pay at one provincial park for a reservation made at another provincial park. An investigation determined the Ministry's 21-day in-advance policy allows the Ministry to determine if a cheque will be returned non-sufficient funds before the person arrives at the park. The Ministry explained to our office each park has its own bank account that it must reconcile daily and interpark access would involve increasing the reservation fee to offset the higher operating costs. The Ombudsman did not consider the Ministry's current practice regarding cheques and interpark reservations to be unreasonable. However, he did learn that Ontario Parks treats money orders the same way it treats personal cheques. The Ombudsman considered the Ministry of Finance's policy, which states money orders are a preferred method of payment and discussed this with the Ministry. After our discussion, the Ministry researched the issue further and acknowledged money orders are secure. The Ombudsman encouraged Ontario Parks to revise its policy accordingly.

## Ministry of Training, Colleges and Universities

### Ontario Student Assistance Program (OSAP)

**Mr. J** complained to our office about the Ministry's processing of his Canada Study Grant. Mr. J was enrolled

in a diploma program at a private business school during the 2000-2001 school year. He was receiving OSAP funding when his first child was born in February 2001. Because of his change in circumstances, Mr. J applied for a Canada Study Grant for Students with Dependents. He provided all the necessary documents to the Financial Aid Office at his institution in March 2001, which then notified the Ministry.

According to the school's records, by May 2001, the file had still not been adjusted and a second notice was sent to the Ministry that month. The Ministry assured the school that Mr. J's file would be updated prior to the end of his study period in August 2001. Over the next several months, Mr. J contacted the Financial Aid Administrator at the school to check on the status of his application. Each time he was told there had not been any progress on his case. Sometime in late July or early August, Mr. J received his study loan from the Ministry, but he did not receive his Canada Study Grant.

According to the school, the Ministry had not updated its records until the end of August 2001, by which time Mr. J had completed his study period. The Manager of the Financial Aid Office enquired about Mr. J's grant cheque in September 2001. The Ministry responded that since Mr. J's study period had ended, the Ministry was unable to release the grant funds.

After the Ministry received the Ombudsman's notice of intent to investigate, it reviewed Mr. J's OSAP file and acknowledged there had been unreasonable delays in the Ministry's processing of changes to Mr. J's records. These delays resulted in the change to Mr. J's status not being processed in time for him to receive a Canada Study Grant for Students with Dependents for 2000-2001. Given the circumstances, the Ministry agreed to credit Mr. J with an amount equal to the \$1,000 Canada Study Grant he would have received had it acted in a timely manner. The Ministry undertook to apply this payment against Mr. J's outstanding Ontario student loan debt.

**Ms L**, a single mother attending school, called the Ombudsman complaining about the Ministry's delay in processing her OSAP application. She said, even if the loan were approved, she was concerned about the time it might take to receive the funds. The previous year it had taken two weeks after the loan approval for her to access the funds. She wanted to know whether this process could be shortened. Although Ms L had applied for the loan in June, it was October and she still had not received the Ministry's decision. By the time Ms L contacted us, she had been forced to borrow money for her rent and was very concerned because she did not have her next month's rent. An Ombudsman Representative contacted the Ministry and was told that Ms L's loan certificate was in the mail. The Ministry also said that once this document is received by the school, Ms A would have to take it to a designated postal outlet and a loan agreement must be signed and sent to the National Student Loans Service Centre (NSLSC), a federal government organization, for processing. Generally, the NSLSC processing time is ten days. Our office immediately contacted the NSLSC, which agreed given Ms L's circumstances, to speed up its process. On the last day of the month, Ms L called our office to confirm the OSAP funds were deposited in her account and her rent would be paid.

**A private business school** complained about the Ministry's practice of posting on the internet the rates that students from post secondary institutions default on their loans. The school claimed this was unfair because student loan defaults were outside of its control. The school also objected to the Ministry's request that it provide a promissory note because it had a default rate in excess of the 25 per cent threshold. Our office reviewed the situation and learned that a 1997 Ministry audit had highlighted the growing number of student loans that were in default. The Ministry had introduced changes to reduce the default rates and have more control over post secondary institutions. The Ministry's position is that students need information to make good

choices to assist in selecting and evaluating a school and a program that will meet their educational or vocational needs and help them determine if they will be able to repay their student loans. Currently, the sharing of default information is a condition of an institution being eligible to participate in the OSAP.

Research undertaken by our office revealed a wide spread in the default rates at both public and private institutions that offer the same program. We obtained information confirming that some institutions take steps to ensure students get jobs and are aware of, and are prepared to meet, their financial obligations and that this has resulted in lower default rates.

The Ministry sets default threshold rates based on industry averages. Once the threshold is exceeded, the Ministry can request that an institution provide a promissory note. The Ministry reserves the right to cash the promissory note if the school's default rate continues to exceed the industry average. The Ministry also checks bank records when calculating the default rates and there was no evidence to suggest the default rate figures for the complainant school were incorrect.

The Ombudsman was of the view that the Ministry acted reasonably and in accordance with the principles of administrative fairness in posting the school's default rates and requesting it provide a promissory note. The school decided to opt out of the OSAP.

**Ms K** believed she qualified for loan forgiveness but was having difficulty communicating with the Ministry because of a language barrier. She contacted our office and we were able to speak with her using a Mandarin interpreter. An Ombudsman Representative contacted the Ministry and was told that because of an "error code," the financial institution that Ms K was dealing with had not been informed that she qualified for loan forgiveness. The Ministry deleted the "error code" and told our office it would notify the financial

institution accordingly. Ms K called later to confirm that her student loan debt had been reduced by \$4,996.

**Mr. Y** complained to Ombudsman Ontario because he could not obtain OSAP assistance. He explained that six years previously his OSAP loan had been forgiven for medical reasons. Mr. Y stated his medical condition was now manageable and he is able to return to his studies but he requires OSAP assistance to do so. He claimed the Ministry told him because he had been granted loan forgiveness for medical reasons, he was no longer entitled to any further OSAP funding. An Ombudsman Representative contacted the Ministry to discuss Mr. Y's case. The Ministry explained, to qualify for additional loans, Mr. Y would have to repay the loan that had been forgiven in full. The Ministry provided this information to Mr. Y.

The Ombudsman expressed concern to the Ministry that students had no option to repay loans by installment that have been forgiven for medical reasons and that the Ministry had no specific written policy governing medical loan forgiveness. In response, the Ministry told the Ombudsman it is undertaking an overall review of the Ontario Student Loan regulations, including the current policies in place for medical loan forgiveness. The Ministry stated it intends to set out criteria for medical loan forgiveness and publicise the process for such requests. The Ministry also confirmed its repayment requirements are currently under review as part of the Canada-Ontario Integrated Student Loans program integration.

## Policy and Standards Branch

**Ms A** complained to our office about the treatment she had received from the Ministry regarding registration for the new Ontario Teacher Qualifying Test. Ms A explained she recently graduated from a Bachelor of Education program and sent her registration package for the test to the Ministry before the February 25, 2003 deadline. However, when she

called the Ministry on February 25 she was told it had never received her application. Ms A claimed staff at the private call centre dealing with the test registration refused to let her send the application in by facsimile transmission and to speak to a Manager about the situation. Ms A stated the Ministry would not allow her to write the test at the next scheduled session in July even though she already had a job offer for September. An Ombudsman Representative contacted the Ministry to discuss Ms A's concerns. The Ministry acknowledged between 30 and 35 students across the province missed the first scheduled test because of administrative difficulties. The Ministry agreed to allow all the students who missed the test to write it during the July testing session. As a result of discussions with our office, the Ministry committed to changing the process to ensure call centre contacts with students are documented, the registration process occurs earlier and confirmation notices are sent to students once their registration package has been received. The Ministry also developed a complaint mechanism to give students direct access to the Ministry for assistance with problem resolution and provide the Ministry with a way to better monitor the quality of the services carried out by private contractors.

## Ministry of Transportation

### Licensing and Control Branch

**Mr. Q** complained to the Ombudsman that his driver's licence had been suspended. He said he requires a valid driver's licence to do his job. Mr. Q explained he had surgery in June 2003 and suffered a minor fainting spell. As a result of this incident, Mr. Q noted his surgeon had referred him to a neurologist who eventually confirmed it was safe for him to drive. However, Mr. Q then received a letter from the Ministry stating his driver's licence would be suspended. The Ministry told Mr. Q the suspension was based on a neurology report it had received indicating it was not safe for him to drive. Mr. Q contacted the neurologist, who explained

he had not yet sent his follow-up report confirming it was safe for Mr. Q to drive. The neurologist committed to sending the report immediately. Mr. Q was very concerned as he had been told it would take the Ministry up to eight weeks to review any documentation submitted and he was in danger of losing his job if he did not obtain a valid licence. An Ombudsman Representative contacted the Ministry, which explained that although the neurologist's report had been received it was insufficient. The Ministry suggested a report could be obtained from another physician. Mr. Q then obtained a report from his surgeon confirming it was safe for him to drive and forwarded it to the Ministry. The Ministry confirmed with our office that the new information was satisfactory and Mr. Q's licence would be reinstated immediately.

**Mr. O**, an immigrant to Canada, applied for a licence to secure a position as a truck driver. He provided the Ministry with the required documentation from his country of origin to update his driving record at the Ministry. The Ministry told him as soon as its database was updated he would be issued an abstract and a permanent licence. In July, he contacted Ombudsman Ontario complaining that he had been waiting seven months for his licence.

As a result of our office's enquiry, the Ministry reviewed its records, located Mr. O's application and sent it for data entry. The Ministry later called our office to confirm its computer records had been updated and arranged for a specific employee to meet with Mr. O to handle his case. The next day, Mr. O called our office and told us he had obtained a temporary licence and was assured a permanent licence would follow within six weeks.

**Mr. P** contacted Ombudsman Ontario in September 2003 complaining he had been trying to obtain two items from his driver's abstract since June 2003. He was originally told to send in a request with \$12 and that he would receive the documents in four to six weeks. Mr. P's cheque was cashed

and he kept in continuous contact with the Ministry by e-mail and telephone to no avail. An Ombudsman Representative contacted the Ministry, which said it could find no record of Mr. P's letter or payment. The Ministry requested copies of the front and back of Mr. P's cheque to confirm payment. Mr. P told our office there is a \$5 fee per cheque for copies from his bank and he did not feel he should have to cover this cost. Our office contacted the Ministry again and questioned whether the Ministry would be prepared to pay Mr. P's bank fees. A short time later, the Ministry mailed the documents to Mr. P without requiring proof that his cheque had been cashed.

**Ms R** is a single working mother with three children who recently moved to Montreal. She complained to the Ombudsman that she had been unable to get a Quebec driver's licence because of an error on her Ontario driving record. Ms R cannot get a driver's licence in Quebec if her licence is suspended in Ontario. Ms R explained that she is a Sales Representative and she needs a driver's licence to work. She said her employer had warned her that she would be out of a job if her driver's licence was not reinstated.

Ms R acknowledged she had several traffic violations and the Ministry had told her she had to be violation free for a year following a "demerit" interview. Just prior to the year deadline, Ms R got another traffic ticket, causing her driver's licence to be suspended automatically for 28 days. However, when Ms R received and reviewed her driving record from the Ministry she noticed the details of one of the violations were incorrect. She called the Ministry and pointed this out, but the Ministry told her this would not affect the suspension.

An Ombudsman Representative contacted the Ministry to discuss the details of the suspension as well as Ms R's claim that the Ministry had wrong information about one of her traffic tickets. As a result of our intervention, the Ministry agreed to review the traffic ticket and, after doing so,

determined there was an error on Ms R's driving record. The Ministry corrected the details of the conviction, removed the suspension and Ms R was able to obtain her Quebec driver's licence.

**Mr. B**, an injured worker, who had recently moved from Ontario to British Columbia, complained he was having difficulty obtaining confirmation from the Ministry of Transportation regarding the reason for his driver's licence suspension. He explained that the WSIB had suspended his benefits pending confirmation that his Ontario driver's licence had been suspended because of a work related injury. An Ombudsman Representative contacted the Ministry, which advised that when the licence was suspended, it had sent notices to the Ontario address it had on file. The Ministry agreed to send Mr. B confirmation of the reason for the licence suspension by courier. As a result of our intervention, Mr. B received the confirmation he needed, his WSIB benefits were reinstated and he received \$10,900 in retroactive WSIB benefit payments.

## Operational Services Department

**Mr. M** complained to our office that he was having difficulty obtaining a land use permit from the Ministry. At the time, Mr. M's family of eight were living in a small two bedroom apartment while they waited for their home to be built. One of his children is in a wheelchair. Mr. M's house burned down and he was in the process of rebuilding it. The Ministry wanted Mr. M to use an alternate driveway rather than the front driveway that led directly onto a highway. According to the Ministry, the regulations did not permit direct highway access when an alternate route is available and the front area was a walkway and never approved to be used as a driveway. The Ministry provided Mr. M with a land use permit on condition that he remove the culvert at the end of his front driveway or that he narrow the driveway to the size of a walkway.

Mr. M told our office he felt pressured for time because his City permits had been approved and the house was partially built. The City threatened to revoke its permits if Mr. M did not obtain the land use permit from the Ministry. Mr. M said he could not afford the time or money required to make the changes the Ministry required but he was prepared to commit not to use the front driveway. Mr. M's Member of Provincial Parliament intervened on his behalf but the Ministry would not alter its position. He then turned to our office.

Ombudsman staff contacted the Ministry and noted that according to Mr. M the culvert at the end of the driveway belonged to the Ministry and the driveway was already like a sidewalk since grass had grown over on the sides. After our office discussed the situation with the Ministry, it agreed to approve a land use permit if the complainant submitted written confirmation that he would not use the front area of his home as a driveway.

## Remedial Measures Program

**Ms N** was required by the court to attend a remedial measures program for a dangerous driving offence. The remedial measures program includes interviews for those who have dangerous driving and other offences and the Back-On-Track program for those with alcohol-related offences. Ms N contacted the Ministry and was referred to the Back-On-Track program. She was unsuccessful in her repeated attempts to convince the Ministry that this was the wrong program, given the nature of her offence. Ms N eventually spoke with the Manager of the Back-On-Track program. Although the Manager acknowledged Ms N was in the wrong program, she refused to refund the \$585 fee that Ms N had paid. Ms N spoke with various Ministry staff who refused to refund her money. In the meantime, Ms N kept calling the Ministry to try to get into the right remedial program. She was repeatedly referred to the Back-On-Track program.

Ms N contacted the Ombudsman because she wanted her money back and needed assistance in entering the right remedial program. An Ombudsman Representative made an enquiry to the Ministry. The Ministry acknowledged it was responsible for the bad referral and agreed to give Ms N a refund. The Ministry also committed to ensuring that staff who had made the error reviewed the remedial measures policies and that complaints be appropriately reported in future. Ms N also received a referral to the right remedial program.



# Ombudsman Ontario Staff List: March 31, 2004

<b>Ombudsman</b> Clare Lewis, Q.C.	<b>Ombudsman Representatives</b> Michelle Amaral Danielle Barbeau-Rodrigue Alphonse Barklage Robin Bosworth Lira Buschman Zalina Deodat (Acting) Joane De Varennes Rozmin Dossa (Temp) Hannahl Ether Pauline Gignac Diane Hall Roch McLean Marie-Claire Muamba Janet Ortved (Temp) Amita Shungu	<b>Ombudsman Representatives</b> Ellise Amenu Garvin DeFour Chakib El Hakmaoui Sharon Fowler Claire Giroux Esla Hutchinson George La Rosa Nicole LeBlanc Beena Rajendra Anne Sophie Leduc Gabriella Trotta	<b>POLICY</b> COMMUNICATIONS/COMMUNITY EDUCATION PROGRAM <b>Manager</b> Gail Scala <b>Supervisor, Community Education Program</b> Judith Klie <b>Ombudsman Representatives</b> Micheline Gagné Laura Spiers Pamela Young <b>Administrative Secretary</b> Dean Morra
<b>LEGAL SERVICES</b>	<b>INVESTIGATIONS TEAM</b>	<b>CORPORATE SERVICES</b>	<b>HUMAN RESOURCES</b>
<b>Senior Counsel</b> Laura Pettigrew Wendy Ray	<b>Manager</b> Duncan Newport	<b>Director</b> Peter Allen	<b>Staff Services Supervisor</b> Joyce Leonard
<b>Legal Advisor</b> Tamara Hauerstock	<b>Team Leader</b> James Nicholas	<b>Administrative Secretary</b> Susan Mason	<b>Training &amp; Employment Supervisor</b> Deen Ajasa
<b>Analyst/Investigator</b> Lorraine Boucher	<b>Administrative Secretary</b> Betty Baker		<b>Administrative Secretary</b> Grace Domingo
<b>Research Assistant</b> Sherrie Nicholson	<b>Investigators</b> Kwame Addo Irene Buncel Winsome Cain Gerry Carlino Rosie Dear Mary Jane Fenton Anita Glasier Anne Hart Barbara Hirst Lourine Lucas Kathy Penfold Matilda Presner Elizabeth Weston Barbara Worthington	<b>FINANCE &amp; ADMINISTRATION</b> <b>Manager</b> John Allan <b>Administrative Assistant</b> Dora Gimenez-Dixon <b>Accounting Analyst</b> Judith Lee <b>Client Services Representative</b> Wolfgang Schulz <b>Word Processing Operator</b> Maureen Bourns	
<b>COMPLAINT SERVICES</b>	<b>GENERALIST TEAM</b>	<b>INFORMATION SYSTEMS</b>	
<b>Director</b> Lenna Bradburn	<b>Manager</b> Monique Bokya-Mboyo Zalina Deodat Muktar Houssein Eddie Kabasele Hema Nagar Johanne Safar Michelle Touchette	<b>Manager</b> John Allan	
<b>Administrative Secretary</b> Denise Salmon	<b>CORRECTIONS TEAM</b>	<b>Programmer/Systems Analysts</b> Kwasi Frimpong Dianne King	
ACCESS CENTRE	<b>Manager</b> Kwame Addo Irene Buncel Winsome Cain Gerry Carlino Rosie Dear Mary Jane Fenton Anita Glasier Anne Hart Barbara Hirst Lourine Lucas Kathy Penfold Matilda Presner Elizabeth Weston Barbara Worthington	<b>Clerical &amp; Technical Support</b> Hazel Warner (Temp)	
<b>Manager</b> Lenna Bradburn	<b>Team Leader</b> Sue Seto	<b>Records &amp; Archives Technician</b> Jackie Correia	
<b>Supervisor</b> Eva Kalisz	<b>Team Leaders</b> Tim Arkell Cathy Rea	<b>End User Support</b> Joyce Coolman	
<b>Access Representatives</b> Monique Bokya-Mboyo Zalina Deodat Muktar Houssein Eddie Kabasele Hema Nagar Johanne Safar Michelle Touchette			
GENERALIST TEAM			
<b>Manager</b> Sue Haslam			
<b>Team Leader</b> Mary Elizabeth Nugent			
<b>Administrative Secretary</b> Kamala Kirushna			



## *Mission Statement*

“Working to ensure fair and accountable provincial government service”

## *Our Values*

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

*Fairness: treating everyone in a reasonable, equitable, and impartial manner*

*Accountability: providing quality services, taking responsibility, evaluating and improving through innovation*

*Integrity: demonstrating transparent, honest and ethical practices*

*Respect: understanding individual differences and valuing diversity*

## *Contact Information*

1-800-263-1830 – English

1 800 387-2620 – Français

1-866-411-4211 – TTY, hard of hearing and deaf

1-866-863-2560 – Fax

[www.ombudsman.on.ca](http://www.ombudsman.on.ca) – Website

This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.







OMBUDSMAN ONTARIO

## *Getting Started*

1. Insert the CD-ROM into your computer.
2. The program should start automatically. If it doesn't:

On your Windows desktop screen, click Start and then click Run

Type D:\rewards.htm

Click OK or hit the Enter key.



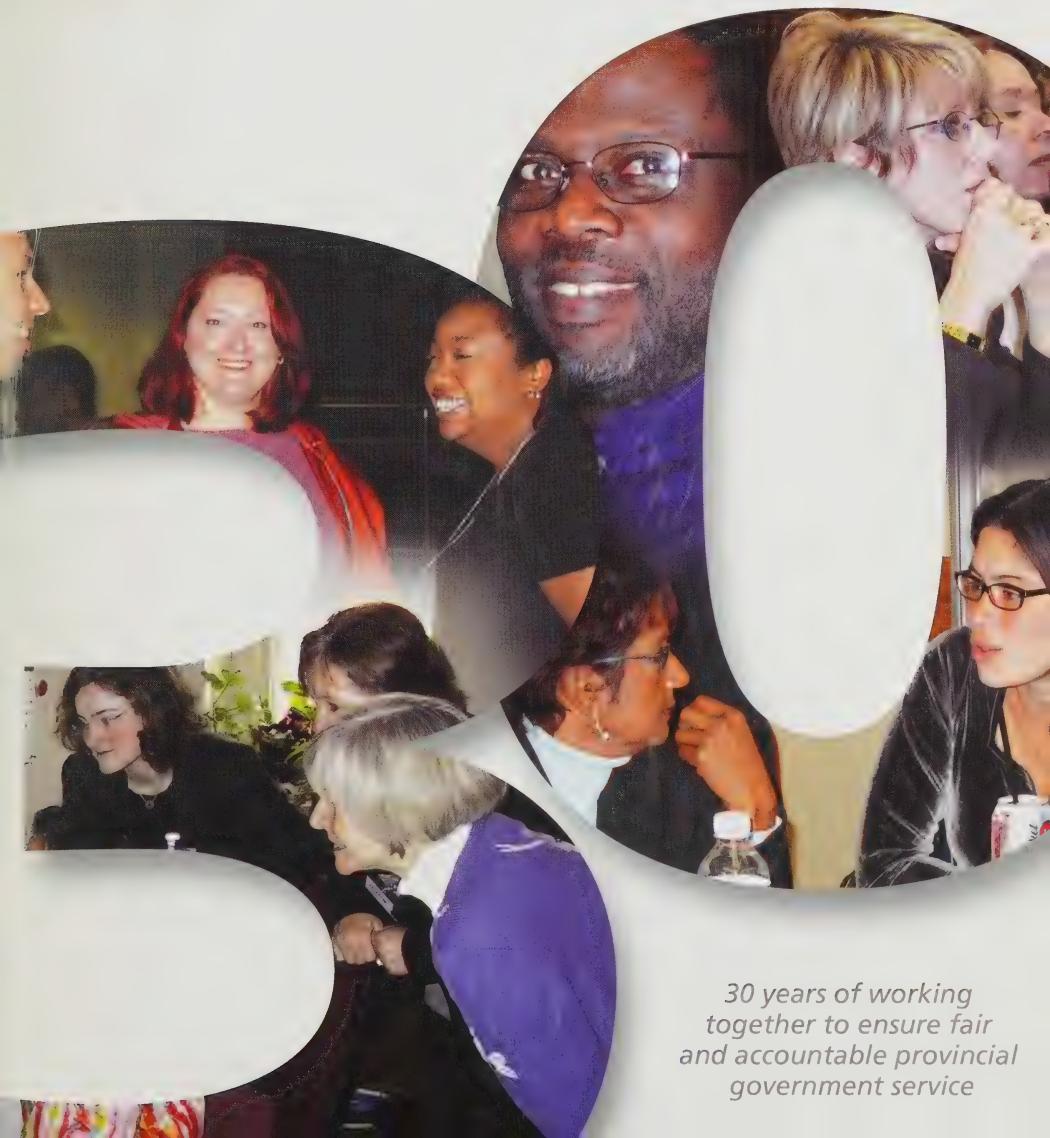
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# OMBUDSMAN ONTARIO

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2004-2005 Annual Report



*30 years of working  
together to ensure fair  
and accountable provincial  
government service*



June 29, 2005

The Honourable Alvin Curling  
Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2004 to March 31, 2005, pursuant to section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Sincerely,

André Marin  
Ombudsman

André Marin  
125 Queens Park  
Toronto, Ontario M5S 2C7  
Telephone: 416-586-3300  
Facsimile: 416-586-3485  
TTY: 1-866-411-4211  
1-800-263-1830 (English)  
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## Contents

Introduction	1
Significant Cases	1
Case Updates	1
A Year in Review	1
2004 Annual Report	10
Complaints	11
Statistical Details	12
Financial Summary	40
Statistical Tables	71
Minutes, Policies and Related Information	72

# OMBUDSMAN'S MESSAGE

The year 2004-2005 was one of transition for Ombudsman Ontario, as Ontario's fifth Ombudsman, Clare Lewis, Q.C., served the final year of his term, retiring at the end of January 2005. I would like to recognize Mr. Lewis for his work, provincially, nationally and internationally promoting the principles of Ombudsmanship. Mr. Lewis left an Ombudsman office based on a strong foundation with staff dedicated to ensuring fairness and accountability in provincial government service. I had the pleasure of serving as Temporary Ombudsman upon Mr. Lewis' departure, until April 1, 2005, when Mr. André Marin began his five-year term as Ombudsman.

In 2002, the office created a Vision – Looking Forward to 2005. The Vision focused on four primary areas: our public identity, service delivery model, staff, and workplace culture and structure. All staff set out to realize the Vision through the development and implementation of new programs, processes and approaches. In late 2004, we evaluated our progress. At the staff conference this year, the office reflected on how its Vision had become a reality. We had successfully accomplished 52 of the 55 objectives identified and made significant progress on the remaining three.

These are exciting times at Ombudsman Ontario, as we welcome Mr. Marin, the sixth Ombudsman of Ontario. He comes to this office with a wealth of experience in investigations and oversight. A former Crown Attorney, he was appointed Director of the Special Investigations Unit (SIU) of the Ontario Ministry of the Attorney General in 1996. He left the SIU to become the first Ombudsman for the Department of National Defence and the Canadian Forces, where he created an effective and credible oversight agency that quickly became renowned for its thorough and objective investigations into issues affecting the well-being of Canadian Forces members and their families.

In the coming year we will celebrate the 30<sup>th</sup> anniversary of the Ombudsman's Office in Ontario. It signals a time for revitalization, new beginnings and new visions.



Wendy Ray

Temporary Ombudsman

# SIGNIFICANT CASES

## Ministry of the Attorney General

### Criminal Injuries Compensation Board

**Mr. R** submitted an application to the Criminal Injuries Compensation Board (the Board) for compensation for his son who had been seriously injured by three assailants. After four years, the case had still not been scheduled for a hearing and Mr. R had withdrawn the application in frustration.

Mr. R maintained that the Board had failed to give him adequate information about his eligibility for interim compensation and had unfairly refused to hear his case, even after the assailants were convicted, on the grounds that the assailants had appealed their convictions.

Our investigation found that the Board had not advised Mr. R of the reason why it had adjourned the hearing of his application until the criminal appeals were over. In addition, the Board had failed to advise Mr. R that its eligibility criteria for interim compensation had changed and that it was no longer necessary to prove financial need. The Ombudsman made a number of preliminary opinions and recommendations. He recommended that in future, all applicants should be given full information about any relevant legislative changes and be provided with reasons when the Board exercises its discretion to adjourn a hearing pending the final determination of a prosecution. The Ombudsman also recommended that the Board apologize to Mr. R. The Board accepted the Ombudsman's opinions and recommendations and issued a letter of apology to Mr. R.

## Ministry of Community and Social Services

### Family Responsibility Office

**Ms A** complained to the Ombudsman that the Family Responsibility Office (the FRO) had failed to file a Writ of Seizure and Sale in the jurisdiction in which the support payor in her case owned property. She claimed that, as a result, the payor was able to sell his property without the FRO having the opportunity to recover any of the substantial arrears owing to her. Our investigation confirmed that the FRO had indeed filed the Writ in the wrong region. Although Ms A had phoned the FRO and questioned whether the Writ was in place, the FRO had not corrected the filing error. Subsequently, the payor was able to sell his property without satisfying Ms A's support arrears. The FRO agreed with the Ombudsman's preliminary recommendation to pay Ms A for the frustration caused her by its mistake and to give her a letter of apology. The FRO also updated its policy and procedure on Writs and undertook to provide staff with refresher training.

### Ontario Disability Support Program

**Mr. V and Mr. N** complained to the Ombudsman about the Ministry's delay in responding to their requests for internal review of the Ministry's decisions to deny them Ontario Disability Support Program (ODSP) benefits. The regulations made under the *Ontario Disability Support Program Act, 1997* state that internal review decisions must be made within 10 days. In Mr. V's case, the internal review decision process took 71 days and in Mr. N's case, it took 49 days.



During our investigation, the Ministry acknowledged the delay in the internal review process and advised that it had initiated a comprehensive review of procedures. Our investigation revealed that despite the Ministry's implementation of changes to the internal review process, the internal review backlog had increased. In an investigative summary, the Ombudsman expressed the preliminary opinion that the Ministry's failure to complete internal reviews within the time frame set out in the regulations was unreasonable and contrary to law and recommended that the Ministry meet its statutory obligation to issue timely decisions.

The Ministry responded to the Ombudsman outlining the steps it had taken to decrease the backlog including, the implementation of a new Internal Review and Quality Assurance team, reassignment of additional adjudicators to the team and increased clerical support and daily review of files. In January 2005, the Ministry advised the Ombudsman that the number of internal reviews completed within the 10-day time frame had increased substantially and that all new internal reviews were being completed within the 10-day time frame. The Ministry noted that because of

the success of its Internal Review and Quality Assurance process, it had incorporated the process as part of its regular business practices. It noted that the issues identified by the Internal Review and Quality Assurance team assisted it in recognizing staff training needs and significantly improved the quality of decision-making at the initial adjudication stage. Given the steps taken by the Ministry to address his concerns, the Ombudsman closed his investigation.

### Social Benefits Tribunal

**In the fall of 2003**, there was a significant increase in the number of complaints to our office concerning delays in the processing of appeals by the Social Benefits Tribunal (the Tribunal). During the 2003-2004 fiscal year, it often took more than 10 months between the time of scheduling a hearing to the actual date of the hearing itself. The Ombudsman notified the Tribunal of his intent to pursue an investigation on his own motion into the delays in scheduling of hearings and the release of decisions following hearings.

One significant reason for the delays was that the number of members, including Francophone members, appointed to the Tribunal was insufficient to meet the demand for hearings. The Tribunal noted that despite its challenges, it had met the legislative time lines for processing appeals (notification of hearing and release of decisions). It acknowledged the delay in scheduling hearings and indicated that it was taking steps to increase the organization's efficiency and that both the Tribunal and Ministry wanted to ensure that appeals were processed in a timely manner, and that hearings are held within six months of the appeal being filed.

The Ombudsman monitored the situation at the Tribunal. After seeing no evidence of steps being taken to improve the situation, he provided the Tribunal and the Ministry with an investigative summary setting out his preliminary opinions and recommendations. The Tribunal replied that since the recent appointment of a new Chair, several initiatives had been undertaken to improve the efficiency at the Tribunal, including on-going discussions with the Ministry.

Satisfied with the actions the Ministry and the Tribunal were prepared to undertake to improve the Tribunal's level of service, the Ombudsman determined not to pursue the investigation further. However, he advised that he would continue to monitor the situation at the Tribunal. In its three-month progress report to the Ombudsman, the Tribunal noted that its caseload/performance indicators had reflected improvement. These included a 26 per cent reduction in the length of time that appellants had to wait for a notice of hearing after filing an appeal, a 42 per cent reduction in the time between filing an appeal to the actual hearing, an increase in the percentage of decisions released within the legislated time frame, a decrease in the length of time taken to issue decisions and a reduction in the number of outstanding decisions with members. The Tribunal had also undertaken a number of measures to increase efficiency,

including increasing the weekly caseload of its members, introducing technological improvements, and establishing regional offices. The Ombudsman will continue to monitor the situation at the Tribunal.

## Ministry of Training, Colleges and Universities

### College of Applied Arts and Technology

**Ms W** complained to the Ombudsman about the conduct of a College. Ms W had been a nursing student. She explained that a professor at the College had contacted the College of Nurses of Ontario (CNO) and released her personal information without her written consent.

The College responded to the Ombudsman's notice of intention to investigate, by stating that it had received information regarding Ms W's health that it believed was relevant to Ms W's ability to practice safely as a nurse. It explained that a Nursing Practice Officer at the CNO had been consulted before the professor wrote to the CNO about Ms W.

While Ms W was aware that the professor would be contacting the CNO, she had not given her permission. The professor who disclosed the information to the CNO said that Ms W had not seemed concerned that the CNO would be contacted and Ms W had advised that the CNO was already aware of her health information.

During our investigation, we reviewed an academic policy document at the College concerning release of student information. The document stated that "in determining the information to be released the interest of the student and the regulations of the *Freedom of Information and Protection of Privacy Act* will be considered. According to the regulations contained in this Act, no personal information shall be released without the written consent of the student."

Following receipt of the Ombudsman's investigative summary and discussions with Ombudsman staff, the College committed to reviewing its current practices and policy relating to the disclosure of student personal information with a view to clarifying the circumstances under which disclosure might be permitted. It also agreed to consider the *Freedom of Information and Protection of Privacy Act* during this review and ensure that both students and staff are made aware of the policy relating to the disclosure of student personal information. The Ombudsman was satisfied with the College's commitment and closed the file.

**Ms X** complained to our office that, with a grade point average (GPA) of 7.7, she was found ineligible for the Queen Elizabeth II Aiming for the Top Scholarship in her second year of University. According to her school, she had not met the OSAP's guideline for the Scholarship program of maintaining an average of 80 per cent or its equivalent in GPA or letter grades. The University used a 9 point GPA system under which A+ is 9 (90-100 per cent), A is 8 (80-89 per cent), and B+ is 7 (75-79 per cent). Ms X claimed

that she had the equivalent of an average of 80 per cent, but that the University's method of calculating eligibility was inconsistent with the OSAP guideline. The Ministry had accepted the University's calculation. When the Ministry was notified of our intent to investigate Ms X's case, its position was that institutions are responsible for determining grades and it could not interfere in this process. In the course of the investigation, however, the Ministry released an interpretive bulletin to assist institutions in determining what would constitute an average of at least 80 per cent or its equivalent in GPA or letter grades. After receiving this bulletin, the University changed its requirement for maintaining the Scholarship to a 7.6 GPA. Following our investigation, the Ombudsman recommended that the Ministry pay Ms X an amount equivalent to what she would have received in Scholarship funding to the completion of her program, and that the Ministry consult with institutional associations to determine the appropriate equivalency for the purpose of the Scholarship program. The Ministry agreed with the Ombudsman's recommendations.



At times, provincial organizations commit to taking certain steps in response to an Ombudsman investigation. The Ombudsman monitors the implementation of these steps. The following are updates on some of the issues we monitored this year.

## Family Responsibility Office (FRO), Ministry of Community and Social Services

For a number of years, our office has monitored the FRO's attempts to implement a new Integrated Service Delivery Model, which would combine a new computer system with a case management model. The Ombudsman has repeatedly expressed the view that the FRO's computer system needed to be replaced if the FRO were to meet its mandate effectively. The FRO advised that a Request for Proposal for the case management solution closed in August 2004, the evaluation was underway and full implementation of an Integrated Service Delivery Model with supporting new technology was expected in 2006.

## Registrar General Branch, Ministry of Consumer and Business Services

The Ombudsman closed his investigation into the level and quality of service at the Registrar General Branch last year on the basis of steps that the Branch was taking and its objective to return to reasonable levels of service by the end of July 2004. Our office monitored the Branch's progress this year. The Ministry advised us that by July 2004 the Branch was processing certificates within six to eight weeks.

However, the Ombudsman remained concerned about the large backlog of registrations of births, deaths, marriages and change of name applications. The Ministry provided a plan to reduce processing times for these services to six to eight weeks by the spring of 2005. Our review of monthly statistics generated by the Branch indicated that there was significant improvement in the processing times for birth registrations. However, the time to process death and marriage registrations remained high. Change of name applications continue to take a substantial time to process. The Ombudsman continued to receive a significant number of complaints about the Branch, and a total of 1,309 were received this fiscal year, giving it the dubious honour of being the organization most complained against during 2004-2005.

Delays in obtaining birth certificates have resulted in additional problems for Ontarians. We received a number of complaints from parents who were having difficulty extending Ontario Health Insurance Plan (OHIP) coverage for their children because they did not have birth certificates, although they had applications pending with the Registrar General Branch. Our staff intervened in many cases in which we were able to assist individuals in obtaining OHIP coverage for their children. We were concerned that individuals were not receiving assistance when they first contacted the Ministry of Health and Long-Term Care about this problem. As a result of our discussions with that Ministry, front-line staff were reminded of the steps that should be taken to assist individuals who find themselves in this situation.



## Workplace Safety and Insurance Appeals Tribunal, Ministry of Labour

In the 2003-2004 Annual Report, it was reported that the Tribunal had been experiencing significant production problems throughout 2003 because of a limited number of Vice-Chairs on its roster. At that time, the new Minister had reappointed a number of experienced Adjudicators. The Tribunal anticipated that it would be in a position by September 2004 to gradually recover and eliminate most delays. In February 2005, the Tribunal advised that

it required a roster of 50 knowledgeable Vice-Chairs to handle its current caseload. It noted that with the appointment of seven new Vice-Chairs, it had increased its roster to 39. The Tribunal hoped to recommend to the Minister a further 11-12 Vice-Chair candidates in April. The Tribunal noted that when the new Vice-Chairs have been integrated into the hearing schedule, it would mean that Vice-Chairs who develop backlogs could be taken off the hearing schedule until their decisions are released, minimizing delays.



## A YEAR IN REVIEW



# INSIDE OMBUDSMAN ONTARIO

This past year, Ombudsman Ontario continued to improve its service delivery by implementing numerous initiatives, revising existing practices, and continuing to establish valuable networks.

Maintaining professional networks with various government agencies and external government offices continued to be a major focus of the Complaint Services teams. Working relationships with agencies including the Ontario Trillium Foundation and Hydro One Networks Inc. ensured the resolution of complaints were dealt with in a speedy and effective manner. Staff participated in information sessions and visited various institutions to broaden their knowledge of government agencies and advance their technical skills. The Corrections team visited more than 20 correctional institutions during the year to better understand the concerns of inmates who call our office with complaints.

The successful introduction and integration of the student placement program by Human Resources offered university and college students the opportunity to gain practical work experience in the Ombudsman's office.

In anticipation of the 30<sup>th</sup> anniversary of the organization to be celebrated in 2005, a historical record of the evolution of the Ombudsman's office since its inception in 1975 was researched and written – a summary of which can be found elsewhere in this Report. In addition to ongoing campaigns and community outreach activities designed to raise public awareness of Ombudsman Ontario, the 7<sup>th</sup> annual Ombudsman Ontario Public Service Recognition Awards were presented to four public servants at an official reception hosted by the Ombudsman.

Ombudsman Ontario's Complaint Management System (CMS) was successfully sold and installed to the Government of Botswana and the New Brunswick Ombudsman's office and demonstrations of the CMS were made to numerous interested parties.

Legal Services, in collaboration with other provincial Ombudsman officials and lawyers, created the first draft of *Ombudsman Law and Practice in Canada*. The document outlines the law and practice of Provincial and Territorial Parliamentary Ombudsman as well as a number of Federal Specialized Ombudsman and it is hoped that the final document will serve as a

valuable reference guide for Ombudsman offices across the country. Senior Counsel also conducted investigative training for the Forum of Canadian Ombudsman and for the newly created office of the Complaints Commissioner in the Cayman Islands.

## Dear Ombudsman

This was the first time in my life that I was involved with asking for assistance from the Ombudsman's Office and because of my dealings with other agencies I was a little dubious as to whether any real effort would be given to my plight. I had no need to be doubtful! Your staff person made me feel comfortable... she told me what she was going to do and within two days it was done.

# COMPLAINTS ABOUT US

Since 1996, Ombudsman Ontario has maintained a system to review complaints from the public and government employees who are dissatisfied with the manner in which Ombudsman Ontario handles a complaint. Our "Complaints About Us" program is a valuable asset in our efforts to improve our service delivery and provide fair and accountable service.

Complaints we receive are classified into one of three categories: complaints about decisions, opinions or the disposition of a file; complaints about staff conduct; and complaints about Ombudsman Ontario policies and procedures.

During 2004-2005 Ombudsman Ontario received and closed 26 complaints about our office. Complaints may fall into more than one category at the same time. Twenty-two complaints received concerned the decision, opinion or disposition of a file, seven were about staff conduct, while two related to Ombudsman Ontario policies and procedures.

Of the 26 complaints received and closed, 15 were resolved on an informal basis and 11 required a more lengthy review of the circumstances involved. The resolutions of the 26 complaints are as follows:

- An apology was issued to complainants in two cases.
- A letter was sent explaining and upholding the decision in eleven cases.
- The file review process was explained in four cases.
- Following a review of the circumstances, the complaint was unsubstantiated in seven cases.
- One complaint was substantiated and the original complaint received by Ombudsman Ontario was reviewed further.
- One complaint was abandoned.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file. Alternatively, you may send your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail to [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or visit our web site at [www.ombudsman.on.ca](http://www.ombudsman.on.ca).



# COMMUNITY EDUCATION PROGRAM

The Community Education Program (CEP) team continued to work to increase awareness of Ombudsman Ontario's services across the province. Connecting to communities using information sessions, conference presentations, keynote speeches, panels and workshops including "How to Complain Effectively" and "Building Blocks for Effective Organizational Complaints Management Development." The CEP team strategically focused on ensuring that community connectors and service providers have a good understanding of the Ombudsman's role. Effective awareness of Ombudsman Ontario services among community leaders and service providers helps us effectively reach those more disadvantaged and vulnerable communities such as youth, diverse ethnic racial groups, people with disabilities and those who are economically disadvantaged.

This year the CEP team received many requests for workshops, information sessions and speeches. They facilitated over 100 workshops and presented at over 20 major conferences including the Ontario Association of Social Workers, Making Gains Conference (mental health), WIN Conference in Owen Sound, Rural Ontario Sharing Conference, Association of Municipal Employees Conference, Ontario Association of Children's Aid Societies, Parents for Children's Mental Health Conference, Ontario Peer Development Conference, Toronto TESL (Teachers of English as a Second Language), Ontario TESL Conference, Ontario Aids Network Conference, Ontario Kidney Foundation, Opportunities Conference, OCASI Conference (Ontario Communities and Agencies Serving Immigrants), Retired Teachers Conference, First Nations

and Inuit Home and Community Care Training and Networking Conference, Joy of Children's Conference and the Strategic Complaint Management Conference. A comparison of Ombudsman Ontario outreach activities over a 10-year period points to an eight year high with over 665 community outreach activities completed.

A Community Open House was attended by over 200 community leaders and organizations who took the opportunity to meet with the Ombudsman and his staff and to hear about the highlights of the Annual Report.

## Dear Ombudsman

I just wanted to let you know how much the students appreciate the time you take to make these presentations... the students take the message home to their families and friends. It is the best public relations that the office can get.

During the past year an evaluation of the Community Education Program was undertaken. The achievements of the program are highlighted in a number of areas including:

- Increased number of outreach activities
- Increased number of total complainants served by Ombudsman Ontario
- Increased public and community organization awareness (demonstrated in a survey of human service providers)
- Increased human service agency referrals to Ombudsman Ontario
- Reduction in non-jurisdictional complaints (the CEP team works to increase awareness of our services and our jurisdiction. Ombudsman Ontario intake staff provide referrals for non-jurisdictional enquiries).

## "How to Complain Effectively" workshops

One of the most popular workshops developed in the CEP is "How to Complain Effectively." It is a how-to, hands-on participatory workshop designed to increase skills and confidence for those who are trying to complain effectively. Participants look at the internal and external barriers to effective complaining and why the right to complain is important. We develop a complaints continuum and have an exercise to identify complaining styles. Key questions are asked of participants such as, "What is the role of anger in the complaints process? How can it help or hinder effective complaining?" We identify the key skills, knowledge and attitude needed to be an effective complainer. We provide

summary handouts of "SMART" and effective complaining and talk about how Ombudsman Ontario may help in the complaining process.

Participants who attend the workshops benefit by:

- Developing increased understanding and awareness of the complaints process.
- Complaining more effectively.
- Understanding how Ombudsman Ontario can help to succeed in getting problems with provincial government organizations solved and how it might help make changes so others are treated more fairly.

This workshop is also available in a more extensive "Train-the-Trainer" model for staff groups and has been delivered at a number of conferences.



# EFFECTIVE COMPLAINING QUIZ

1. Are you prepared?
  - a) I thought about the issue, did some research and came up with a plan.
  - b) My style is just to do it – jump in feet first.
  - c) Why should I prepare? They are the ones to blame and who need to work to fix my problem.
2. Can you briefly summarize your complaint?
  - a) It's taken some work but I can clearly, concisely state my complaint.
  - b) It's just too complicated to summarize briefly. I need to explain the context and the details of what really happened for someone to understand.
  - c) Why should I cater to them? They created this mess; they'd better be prepared to just listen.
3. How have you backed up your complaint?
  - a) Through collecting evidence and documentation.
  - b) By relating the whole story and its details in an interesting, entertaining way.
  - c) By crying and showing how damaging the effect has been.
4. When you complain would you describe yourself as:
  - a) Cool, calm and collected.
  - b) Anxious, confused and uncertain.
  - c) Tough and demanding, sometimes just losing it: swearing, shouting, insulting.
5. Do you ask questions and listen when you complain?
  - a) I prepare questions in advance and work at listening even if it is challenging.
  - b) I don't know: if a question comes to mind I'll ask it.
  - c) Why should I? They should be listening to me and asking how they can fix it!
6. Are you complaining to the right person or organization?
  - a) Part of my research was finding out the complaint process and to whom I should take my complaint.
  - b) It does not matter, they should help me anyway.
  - c) I'll give whomever an earful, who cares?
7. What role does your anger play in your complaining process?
  - a) Processing my anger through writing and talking to friends energizes and motivates me, and allows me to let go/detach when I'm officially complaining.
  - b) I'm aware my anger is sometimes difficult to control because the complaining process is so frustrating.
  - c) Expressing the full extent of my anger makes people take notice and do something.
8. When you complain do you have support?
  - a) I ask my friends for advice or support. Sometimes I've found community organizations that are also very supportive to my complaint process.
9. Do you know what you want to achieve by complaining?
  - a) I have specific expectations but might be willing to compromise.
  - b) I don't know – nobody ever asked me what I want.
  - c) Who cares if my demands are reasonable or not? I want action!
10. Can you describe your process?
  - a) Complaining can be complicated, so I am keeping a record of all my calls, letters and responses, including the names and positions of people I have spoken to. I also note anything specific like a case or claim number.
  - b) I'm frustrated at getting passed from one person to another and from one department to another. When I call back, the whole process starts again. Who can keep track?
  - c) When the phone gets answered, I start yelling. I demand immediate action or else. A few threats never hurt anybody.
11. If you have a complaint about the Family Responsibility Office, a birth certificate, OHIP, the Ontario Disability Support Program or other provincial government services, where would you go?
  - a) If I could not solve the problem successfully, I'd call Ombudsman Ontario: 1-800-263-1830.
  - b) I don't know.
  - c) I'd complain to everybody.
12. If you're not sure your complaint is against a provincial government service where can you go?
  - a) Ombudsman Ontario will use their database to give you a referral if it's not a provincial government service.
  - b) I don't know.
  - c) The media.

## Rate Yourself

Count up how many times you answered A, B and C.

A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_

A: 12-9 Excellent complainer. You are likely making changes for the better.

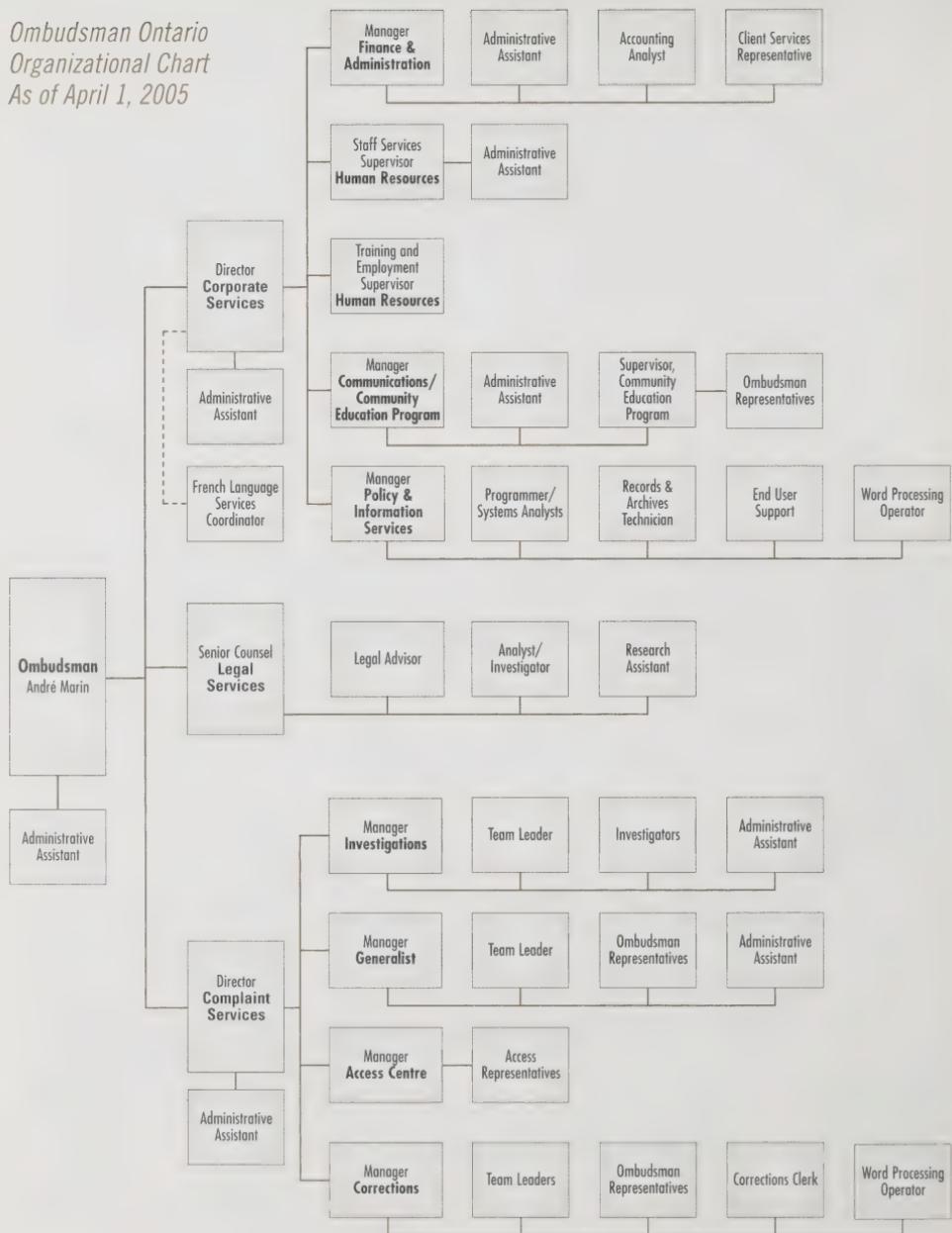
B: 9-6 On the right track. Increased organization and self-awareness will make you an effective complainer.

C: over 5 You have a lot to learn. You may make things worse for yourself, not better! Ask for support and review effective complaining techniques.

Ombudsman Ontario may be able to help you.

1-800-263-1830

*Ombudsman Ontario  
Organizational Chart  
As of April 1, 2005*



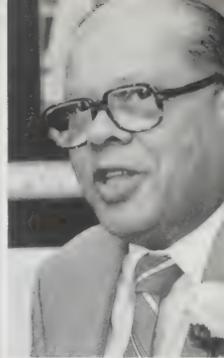
# STATEMENT OF EXPENDITURE

*Unaudited statement of expenditure for the year ended March 31, 2005*

Expenditure	2004-2005 Estimates \$	2004-2005 Actual \$	2003-2004 Actual \$
Salaries & Wages	5,462,200	5,668,829	5,379,576
Employee Benefits	1,213,500	1,094,354	1,043,618
Transportation & Communication	561,900	390,929	432,306
Services	1,528,000	1,496,346	1,672,219
Supplies & Equipment	259,000	373,980	415,844
Sub Total	9,024,600	9,024,437	8,943,563
Less: Miscellaneous Revenue		(20,568)	(15,937)
<b>Net Expenditure</b>	<b>9,024,600</b>	<b>9,003,869</b>	<b>8,927,626</b>

\* Note: The above statement has been prepared on a modified cash basis of accounting. At the date of publication, the above financial statement had not been audited, however, the accounts and transactions of Ombudsman Ontario are audited annually by the Auditor General.





30<sup>th</sup> ANNIVERSARY



# CELEBRATING 30 YEARS OF THE ONTARIO OMBUDSMAN

*"As a safeguard against the growing complexity of government and its relationship with the individual citizen, the government will establish the office of a provincial ombudsman – or ombudsperson – to ensure the protection of our citizens against arbitrary judgment or practices."*

*– Lieutenant Governor Pauline McGibbon on the announcement of the Province's first Ombudsman, 1975.*

Many countries and cultures have developed complaint resolution mechanisms dating back to ancient times. The word Ombudsman is Old Norse for “representative” and its use dates back to 1552. The Parliamentary Ombudsman was instituted in Sweden in 1809 to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch.

During 2005 the Office of the Ontario Ombudsman celebrates its 30<sup>th</sup> anniversary. The impetus for the creation of an Ombudsman for the Province of Ontario began in the early 1960s when Vernon Singer, Member of Provincial Parliament for Downsview, introduced a private member's bill calling for the appointment of a “Parliamentary Commissioner” to investigate administrative decisions and acts of officials of the provincial government and its agencies. Mr. Singer continued to introduce the bill for 10 consecutive sessions of the Legislature. On May 22, 1975, Premier Bill Davis announced the creation of the Office of the Ombudsman in the Ontario Legislature. The *Ombudsman Act* received Royal Assent on July 3, 1975 and was proclaimed in force on July 10, 1975. By this time, six other provincial governments had created Ombudsman offices: Alberta and New Brunswick (1967), Quebec (1968), Manitoba and Nova Scotia (1970) and Saskatchewan (1972).

Arthur G. Maloney, Q.C., a prominent criminal lawyer, was appointed as the province's first Ombudsman. Since the inception of the office, a total of six people have served as Ombudsman: Arthur G. Maloney, Q.C. (1975-1978), Mr. Justice Donald Morand (1979-1984), Dr. Daniel G. Hill (1984-1989), Roberta Jamieson (1989-1999), Clare Lewis, Q.C. (2000-2005) and André Marin, the current Ombudsman, who took office on April 1, 2005.



### Arthur G. Maloney, Q.C. – 1975-1978

The Ombudsman's first office was located at 65 Queen Street West in downtown Toronto and the organization's original logo was a Gryphon suspended over four representations of the floral emblem of Ontario – the Trillium.

Public hearings were held throughout Ontario from November 1975 to June 1976. Members of the public were invited to make presentations and suggestions to Mr. Maloney and his staff about issues of concern and ideas of how the office might be of service to Ontario communities.



"The office of the Ombudsman was created to serve all the citizens of Ontario," said Mr. Maloney. "It was deemed of utmost importance that the general public should be afforded an opportunity to express its views on what the office should attempt to accomplish in Ontario and how it should go about doing so."

Within the first months, the Ombudsman received 14,027 enquiries and complaints from the public. Of particular significance, were the complaints from landowners about the expropriation of North Pickering farmlands by the Ministry of Municipal Affairs and Housing, which subsequently resulted in the Ombudsman holding hearings into the matter. That investigation was finally closed in 1983, seven years after it began. It resulted in a 3,000-page five-volume report.

Mr. Maloney resigned in October 1978 and returned to private legal practice.



### **The Honourable Justice Donald R. Morand – 1979-1984**

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The Honourable Justice Donald Morand was appointed as Ontario's second Ombudsman in January 1979. Mr. Morand served as a Judge of the Supreme Court of Ontario (Trial Division) prior to his appointment as Ombudsman.

Shortly after assuming office, Mr. Morand opened the first Ombudsman regional office in Thunder Bay in June 1979. In April 1980, the North Bay office opened. During his term, a number of outreach and educational initiatives were introduced. The Ombudsman produced a 23-minute public service announcement to provide members of the public with a description of the role and function of the office, which was distributed widely to television stations and cable stations as well as to Ministries, community groups and schools across the province. The blue-coloured pre-addressed confidential envelopes used by inmates in correctional institutions were also introduced. By the end of the fiscal year in March 1981, the office had dealt with a total of 69,154 complaints and enquiries since it opened. Fine-tuning the complaint handling process and initiating several outreach campaigns, helped to streamline the influx of non-jurisdictional complaints.

On February 2, 1981, the Office of the Ontario Ombudsman moved to its current more spacious location at 125 Queens Park, where it has remained for 24 years.

In his final annual report, Mr. Morand reflected on his work at the Office and said, "I now have a far better view of the position of the Ombudsman and personally I am more than ever convinced of the need and indeed, the necessity of an Ombudsman for the Province of Ontario."



### **Dr. Daniel G. Hill – 1984-1989**

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Dr. Daniel Hill was appointed as Ontario's third Ombudsman on February 20, 1984. He brought to the office an extensive background in the field of human rights as well as a distinguished record of service in the academic community. Dr. Hill was the first director of the Ontario Human Rights Commission, serving from 1962 to 1971 before going on to serve as the Chair of the Commission until 1973.

During his term, Dr. Hill initiated several administrative changes to the office as well as opened four more regional offices. He once said, "Worse than not having an Ombudsman is to have one that nobody knows about. It is my intention to try and reach all our people with the message that we exist – that we exist to inform them of their rights – and to protect those rights against abridgment by administrative agencies."

Among the significant communications and public education initiatives that he introduced were the creation of multilingual fact sheets explaining the service provided by the office and a "Learn about your Ombudsman" campaign involving 432 public service radio announcements across Ontario, transit advertising and newsletters. As well, the Office of the Ombudsman hosted its first open house in December 1987 when more than 300 community members visited the Toronto office.

The 10<sup>th</sup> anniversary of the creation of the Ombudsman's office was celebrated in 1985. In September 1986, Dr. Hill tabled a position paper suggesting that the Ombudsman's jurisdiction be expanded to include the following areas: the Ontario New Home Warranty Program, Children's Aid Societies and public hospitals. In 1988, it was determined that public hearings should be conducted for public and private agencies to participate in discussions on the matter. At the end of Dr. Hill's term as Ombudsman, this issue was still being debated.



### Roberta L. Jamieson – 1989-1999

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Roberta Jamieson was appointed as Ontario's fourth Ombudsman on October 30, 1989. She earned the distinction of becoming the first woman in Canada from a First Nation to obtain a law degree and was the Commissioner of the Indian Commission of Ontario before becoming Ombudsman.

Ms. Jamieson was the first Ombudsman to serve a full 10-year term.

Under her leadership a new logo was introduced and the office became known as Ombudsman Ontario instead of the Office of the Ombudsman.

Throughout the mid 1990s, Ms. Jamieson and her office were caught in the midst of social change, economic recession, and major government restructuring, eventually resulting in cutbacks in funding for the Ombudsman's office.

In 1991, Ms. Jamieson launched a six-week outreach campaign in response to a survey that concluded the public did not know about the Ombudsman's office. As well, she continued to visit rural communities in Ontario and fulfilled her international responsibilities as the Regional Vice President of the International Ombudsman Institute.

As Ombudsman, Ms. Jamieson actively promoted conflict resolution and her goals were to resolve complaints in a non-adversarial manner and engage in preventative Ombudsmanship. According to Ms. Jamieson, the Ombudsman could serve as an early warning sign to the government.

At the end of her term, Ms. Jamieson remarked that she had "always believed in modeling the Ombudsman office as an organization that sets standards others can follow." She added, "The concept of equitable treatment, respect for human rights, and accountability and transparency in government must be regarded as part of the very fabric of our democracy."



*The logo represents the Ombudsman in the centre embraced by three arms each representing the public, the government and the Ombudsman's Office.*



### Clare Lewis, Q.C. – 2000-2005

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Clare Lewis served as the fifth Ombudsman of Ontario from January 2000, and was the first Ombudsman to be appointed through a public competition process. Mr. Lewis was also the first Ombudsman to be appointed for a five-year term, following an amendment to the *Ombudsman Act* in October 1999, which reduced the standard term from 10 to five years.

Mr. Lewis came to the office with an extensive legal background. He had been a defence counsel, crown attorney and Provincial Court (Criminal Division) judge. He also had substantial experience in oversight and administrative justice, including acting as Police Complaints Commissioner and Chair of the Alcohol and Gaming Commission of Ontario.

As Ombudsman, Mr. Lewis focused on ensuring the relevance and effectiveness of the office in securing fairness in the administration of provincial government service. He believed that the office should adopt a new corporate vision in order to be more effective and efficient. He once said, “It is not how many times we turn the crank that counts, it is how many sausages come out at the end of the machine.” As a result, Ombudsman Ontario’s values were redefined to be: Fairness, Accountability, Integrity, and Respect. A new mission statement was also developed: “Working to ensure fair and accountable provincial governmental service.”

In 2001, the office undertook a major one-year pilot project designed to examine how outreach activities in the Greater Toronto Area could be effectively conducted. The pilot project evolved into the Community Education Program (CEP), highlights of which included using a “Connector” model to access human service organizations through large conferences or group sessions in which presentations such as “How to Complain Effectively” and Train-the-Trainer workshops were conducted. To supplement the CEP, advertising in various ethnic media, posters in the Toronto Subway transit system and a new Public Service Announcement in both English and French were developed.

As the president of the International Ombudsman Institute, Mr. Lewis made a significant contribution internationally. He was invited to attend several conferences around the world at which he promoted the principles of Ombudsmanship.



### **André Marin – 2005-**

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In December 2004, André Marin was unanimously selected through a public competition by members of the Ontario Legislature to serve as the sixth Ombudsman of Ontario.

Prior to his appointment, Mr. Marin was Canada's first Ombudsman for the Department of National Defence and the Canadian Forces for six-and-a-half years. During that time he was responsible for the investigation of complaints from those serving in the Canadian military, he identified systemic issues and issued recommendations to ensure accountability, transparency and the integration of ethics into Canada's military.

He is considered an expert on creating a credible, impartial and accountable ombudsman office and is often invited to address ombudsman and ethics conferences in Canada and around the world on the issue of accountability of public office holders.

Mr. Marin served as Director of the Special Investigations Unit (SIU) of the Ontario Ministry of the Attorney General from 1996 to 1998. The SIU is an independent, civilian agency mandated to maintain public confidence in Ontario's police services by assuring police actions resulting in serious injury or death are subjected to rigorous, independent investigations. Responsible for overseeing the actions of Ontario police officers, he earned a reputation for conducting thorough independent investigations into highly sensitive matters.

Before joining the SIU, Mr. Marin was an Assistant Crown Attorney with the Ministry of the Attorney General in Ottawa and became known for prosecuting difficult, high profile and sensitive cases.

Following his appointment as the Ombudsman of Ontario, Mr. Marin said he looks forward to taking up his post on April 1, 2005 and added he plans to be an aggressive investigator, especially in areas of health and education.

"We're going to bring accountability to the provincial government," he said. "Although it's largely unknown, it is the premier ombudsman's office in the world. What needs to be done with this job is to put it on the map."



# COMPLAINTS



# THE STORY IN NUMBERS

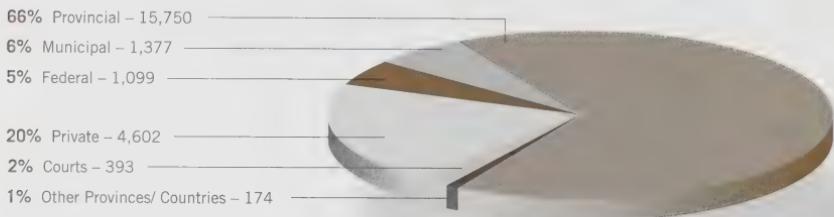
## *Total Complaints and Enquiries Received: Fiscal Years 2000-2001 to 2004-2005*



Over the past four years there has been a steady increase in complaints and enquiries received by Ombudsman Ontario. During the 2004-2005 fiscal year, Ombudsman Ontario received 23,395 complaints and enquiries, an increase of 642 complaints and enquiries over the previous year. Two-thirds of the complaints and enquiries concerned provincial government organizations, with the remaining complaints and enquiries dealing with municipal and federal government issues, other jurisdictions, private organizations and the courts.

Seventy-six per cent of complaints and enquiries were received by telephone, 16 per cent were submitted by letter or fax while one per cent were communicated in personal interviews with Ombudsman Ontario staff. Less than one per cent were received from a Member of Provincial Parliament or initiated by the Ombudsman as an own motion investigation. Relative to 2003-2004, methods of complaint intake remained virtually unchanged.

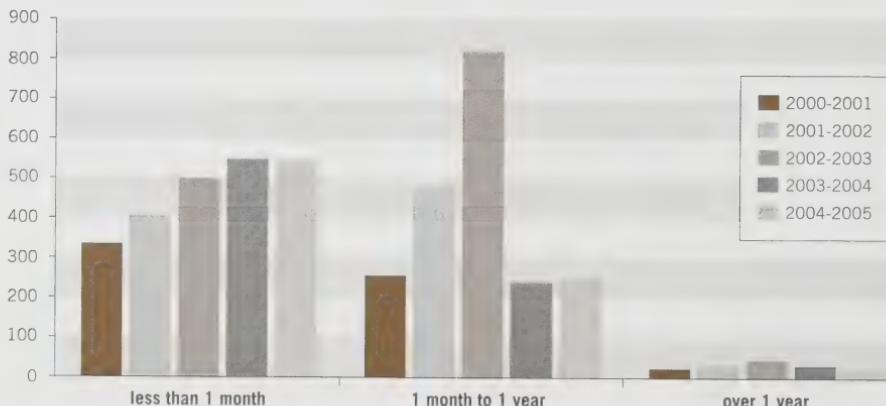
## COMPLAINTS AND ENQUIRIES: Received During 2004-2005



Complaints and enquiries received via the Internet also remained steady at seven per cent. To facilitate increased public access to our website, our promotional material is published with our website address and linkages from other strategic websites are encouraged.

Owing to confidentiality concerns, Ombudsman Ontario responds to electronic communications by mail or telephone.

## Age Distribution of Open Complaints at Year End Fiscal Years 2000-2001 to 2004-2005



## At the End of the Year

Only 821 complaints and enquiries remained open at the end of the 2004-2005 fiscal year. As was the case

in 2003-2004, the largest proportion of complaints and enquiries was less than one month old (66 per cent).

### *General Provincial Government Complaints and Enquiries\* Received: Fiscal Years 2000-2001 to 2004-2005*



\* Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government organizations, excluding Ministry of Community Safety and Correctional Services' correctional facilities, Ministry of Children and Youth Services' youth facilities, Ontario Parole and Earned Release Board and Probation and Parole Services.

## General Provincial Government Complaint and Enquiry Trends

As the above graph shows, complaints and enquiries about general provincial government organizations increased by four per cent in 2004-2005 (from 7,244 to 7,533). The largest number of complaints and enquiries received about any one organization concerned the Registrar General Branch of the Ministry of Consumer and Business Services (1,309). The Branch experienced a substantial increase of 817 complaints and enquiries over the 492 received in 2003-2004, with over 80 per cent attributable to delays

in the issuance of certificates. For the first time in 11 years, the Family Responsibility Office (FRO) was not the most complained about government organization. Although the FRO was the second most frequently complained about agency with 1,076 complaints and enquiries, it actually demonstrated a 26 per cent reduction in total complaints and enquiries over the previous year, when it ranked first.

With 642 complaints and enquiries, the Workplace Safety and Insurance Board (WSIB) moved from second place last year to the third most complained about organization. WSIB was followed closely by the Ontario Disability

Support Program (640 complaints). Together, the top four organizations accounted for almost 50 per cent of general provincial government complaints and enquiries received by Ombudsman Ontario this year. A substantial rise (from 32 to 389) in the number of complaints this year against the Financial Services Commission of Ontario is due to a group of 359 complaints.

## Correctional Facilities

Complaints and enquiries about adult and youth correctional facilities increased by six per cent, from 7,727 to 8,158 between 2003-2004 and 2004-2005. Over 30 per cent of the complaints and enquiries concerned the adequacy of health care provided in the facilities. An additional 18 per cent concerned living conditions in the facilities.

### *Top 10 General Provincial Government Organizations Complaints and Enquiries Received: Fiscal year 2004-2005*

Rank Last Year	Rank This Year	Organization/Program	Complaints/ Enquiries	Percentage of Total
4	1	Registrar General Branch	1,309	17.38
1	2	Family Responsibility Office	1,076	14.28
2	3	Workplace Safety and Insurance Board	642	8.52
3	4	Ontario Disability Support Program	640	8.50
36	5	Financial Services Commission of Ontario	389	5.16
5	6	Ontario Student Assistance Program	300	3.98
6	7	Workplace Safety and Insurance Appeals Tribunal	213	2.83
9	8	Legal Aid Ontario	165	2.19
8	9	Hydro One Networks Inc.	163	2.16
13	10	Ontario Health Insurance Plan	162	2.15

## Delivering Results

While 23,395 complaints and enquiries were received during 2004-2005, 23,390 complaints and enquiries were actually closed by the end of the fiscal year.

Of all complaints and enquiries closed during 2004-2005, 15,744 concerned provincial government organizations. Complainants received a resolution or a referral in 77 per cent of cases. Five per cent were withdrawn or abandoned by the complainant. Two own motion investigations were initiated during 2004-2005 and four were completed.

## In a Timely Fashion

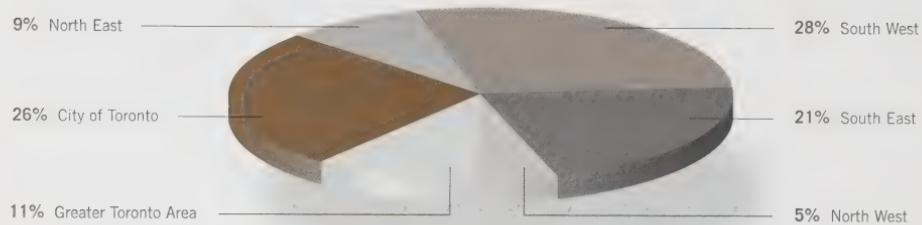
In keeping with our early resolution standards, 79 per cent of provincial complaints and enquiries were resolved within 28 days of receipt. Forty-eight per cent were closed within six days. Cases requiring a formal investigation were resolved in an average of 13.6 months. The increase of 2.6 months in resolution time over the previous year is due to the closing of seven complex and lengthy cases during the year.

### *In Order of Frequency the most Common Types of Jurisdictional Complaints Investigated by the Ombudsman This Year Were:*

#### Types of Complaints

- 1 Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner
- 2 Adverse impact or discriminatory consequence of a decision or policy on an individual or group
- 3 Failure to adequately or appropriately communicate with a client
- 4 Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence
- 5 Insufficient reasons for a decision or no reasons given
- 6 Failure to provide sufficient or proper notice
- 7 Failure to keep a proper record
- 8 Unreasonable delay
- 9 Inadequate or improper investigation conducted
- 10 Denial of service
- 11 Harrassment by a governmental official; bias; mismanagement; bad faith
- 12 Omission to monitor or manage an agency for which the governmental organization is responsible
- 13 Unfair settlement imposed; coercion

## *Geographic Distribution of Complainants Excluding Correctional Complainants*



## *Demographic Profile by Race*

Racial Group	Percentage of Individuals Surveyed
White/European	82
Racial Minority*	12
Aboriginal/First Nation	2
No answer	4

\* Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

## *Demographic Profile – Selected Groups*

Group	Percentage of Individuals Surveyed
People with disabilities	26
Sole-support parents	13
Youth – under age 25	4
Seniors – age 65 and over	9

## Complainant Profile

A total of 17,847 people contacted our office this year, representing a slight increase over last year's number of 17,683. Individuals generally have one issue of concern when they contact Ombudsman Ontario. However, in cases in which more than one issue is raised, each concern is recorded in our electronic information system and pursued to a resolution.

The pie chart on the previous page indicates the provincial regions in which complainants (excluding those in adult and youth correctional facilities) resided when they contacted our office with a complaint or enquiry. The provincial region is extracted from postal code information that is requested of all individuals contacting Ombudsman Ontario. The chart demonstrates that close to 30 per cent of current complaints and enquiries are received from individuals living in southwestern Ontario, an area stretching from Windsor to Hamilton, Barrie and Wasaga Beach. This number compares with 35 per cent from this region in the previous year.

The City of Toronto saw a substantial increase in the number of individuals contacting our office, rising from 18 per cent in 2003-2004 to 26 per cent in 2004-2005. This significant increase is believed to result from the continued efforts of the Community Education Program team and the ongoing media campaigns targeting the Metro Toronto area.

In addition to determining the geographic location of our complainants from the postal code, individuals contacting our office are asked to complete a survey to determine their demographic profile. Completion of the survey is voluntary and anonymous. Information is collected about geographic location, age, race, family status, disability, and household income. The survey results help us identify groups that are under-represented as complainants to our office, relative to their representation in the provincial population. The survey results also identify the type of complaints and enquiries by various groups and provide us with the opportunity to track emerging issues of concern for the Ontario public. This year, just over 75 per cent of complainants who contacted our office completed the survey.





## STATISTICAL CHARTS



*Complaints and Enquiries Received 2004-2005 by Provincial Riding (excluding complaints and enquiries about adult correctional and youth facilities)\**

<b>Riding</b>	<b>Total</b>	<b>Riding</b>	<b>Total</b>	<b>Riding</b>	<b>Total</b>
Algoma – Manitoulin	213	Huron – Bruce	134	Renfrew – Nipissing –	
Ancaster – Dundas –		Kenora – Rainy River	200	Pembroke	125
Flamborough – Aldershot	86	Kingston and The Islands	403	Sarnia – Lambton	148
Barrie – Simcoe – Bradford	128	Kitchener Centre	106	Sault Ste. Marie	356
Beaches – East York	147	Kitchener – Waterloo	117	Scarborough – Agincourt	93
Bramalea – Gore – Malton –		Lambton – Kent – Middlesex	119	Scarborough Centre	125
Springdale	96	Lanark – Carleton	132	Scarborough East	115
Brampton Centre	79	Leeds – Grenville	138	Scarborough – Rouge River	66
Brampton West – Mississauga	102	London – Fanshawe	175	Scarborough Southwest	168
Brant	74	London General Area	20	Simcoe – Grey	131
Bruce – Grey – Owen Sound	208	London North Centre	212	Simcoe North	203
Burlington	88	London West	148	St. Catharines	110
Cambridge	112	Markham	57	St. Paul's	146
Chatham – Kent – Essex	124	Mississauga Centre	75	Stoney Creek	93
Davenport	106	Mississauga East	63	Stormont – Dundas –	
Don Valley East	107	Mississauga General Area	14	Charlottenburgh	89
Don Valley West	117	Mississauga South	149	Sudbury	198
Dufferin – Peel – Wellington –		Mississauga West	6	Thornhill	56
Grey	121	Nepean – Carleton	63	Thunder Bay – Atikokan	161
Durham	70	Niagara Centre	133	Thunder Bay General Area	21
Eglinton – Lawrence	113	Niagara Falls	100	Thunder Bay – Superior North	197
Elgin – Middlesex – London	193	Nickel Belt	133	Timiskaming – Cochrane	139
Erie – Lincoln	105	Nipissing	187	Timmins – James Bay	140
Essex	109	Northumberland	153	Toronto Centre – Rosedale	322
Etobicoke Centre	73	Oak Ridges	89	Toronto – Danforth	138
Etobicoke – Lakeshore	111	Oakville	70	Toronto General Area	55
Etobicoke North	129	Oshawa	120	Trinity – Spadina	154
Glengarry – Prescott – Russell	88	Ottawa Centre	120	Vaughan – King – Aurora	98
Guelph – Wellington	156	Ottawa General Area	9	Waterloo – Wellington	76
Haldimand – Norfolk – Brant	95	Ottawa – Orléans	92	Whitby – Ajax	91
Haliburton – Victoria – Brock	132	Ottawa South	70	Willowdale	100
Halton	113	Ottawa – Vanier	101	Windsor General Area	10
Hamilton East	134	Ottawa West – Nepean	120	Windsor – St. Clair	115
Hamilton General Area	14	Out Of Province/International	514	Windsor West	142
Hamilton Mountain	115	Oxford	110	York Centre	100
Hamilton West	145	Parkdale – High Park	138	York North	111
Hastings – Frontenac – Lennox		Parry Sound – Muskoka	138	York South – Weston	129
and Addington	198	Perth – Middlesex	83	York West	69

\* Where postal code information is available.

*Complaints and Enquiries Received 2004-2005 About Adult Correctional and Youth Facilities\**

**BY SUBJECT MATTER**

HEALTH – ADEQUACY OF CARE	1029
HEALTH – MEDICATION	680
STAFF CONDUCT	525
PERSONAL/INMATE PROPERTY	460
HEALTH – DELAY	425
LIVING CONDITIONS – FOOD/DIET	371
LIVING CONDITIONS	349
LIVING CONDITIONS – CLEANLINESS, HYGIENE, SANITATION	317
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	305
RESPONSES TO INMATE REQUESTS	295
LIVING CONDITIONS – BEDDING/MATTRESSES/ TOWELS	292
CORRESPONDENCE	270
YARD	233
LIVING CONDITIONS – CLOTHING SIZE, CONDITION ETC.	207
INMATE TRUST ACCOUNT	191
TELEPHONE ACCESS/USE	166
HEALTH – MEDICAL DIET	163
LIVING CONDITIONS – PERSONAL HYGIENE	163
ADMINISTRATION – OTHER	147
CANTEEN	141
LIVING CONDITIONS – HEATING, VENTILATION, AIR	135
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAM	130
HEALTH – OTHER	130
HEALTH – CONTINUITY OF CARE (ADMISSIONS)	128
HEALTH – DENTAL – EMERGENCY	113

**BY SUBJECT MATTER**

HEALTH – METHADONE PROGRAM	111
ALLEGATIONS OF EXCESSIVE FORCE – STAFF MISCONDUCT	109
LIVING CONDITIONS – SEGREGATION	108
SECURITY – LOCKDOWN	107
ADMINISTRATION – DELAY	104
LIVING CONDITIONS – LOCKUP	101
ADMINISTRATIVE SEGREGATION	97
INMATE MISCONDUCT ISSUANCE ADJUDICATION	96
ADMINISTRATION – UNFAIRNESS	94
COMMITTAL/SENTENCE CALCULATION	92
HEALTH – DENTAL – PREVENTATIVE OR RESTORATIVE	86
OMBUDSMAN ACCESS (LETTER OR PHONE)	84
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	82
INMATE – INMATE DISPUTES/ASSAULTS	80
DENTAL	79
HEALTH – GLASSES, EYE CARE	75
HEALTH – CONTINUITY OF CARE (TRANSFER)	75
CLASSIFICATION – OTHER	68
RELIGIOUS OR LIFE STYLE DIET	67
VISITING PRIVILEGES	67
RELIGIOUS/SPIRITUAL OBSERVANCE	64
HEALTH – SPECIALIST APPOINTMENTS	63
LEGAL AID	60
POLICY/PRACTICE	57
INSTITUTIONAL DISCIPLINE – OTHER THAN INMATE MISCONDUCT	53
LIVING CONDITIONS – OVERCROWDING	51
SEARCHES	49

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

*Complaints and Enquiries Received 2004-2005 About Adult Correctional and Youth Facilities\**

**BY SUBJECT MATTER**

TEMPORARY ABSENCE PASSES	43
PROTECTIVE CUSTODY	43
NEWSPAPER SUBSCRIPTIONS/DELIVERY	43
HEALTH – DIAGNOSIS	41
HEALTH – MEDICAL APPLIANCES/DEVICES	
REQUESTS	39
ADMINISTRATION – NO RESPONSE TO	
CORRESPONDENCE	38
HEALTH – STAFF CONDUCT	38
HEALTH – PRESCRIPTION REQUEST	37
ADMINISTRATION – BIAS	36
REQUEST FOR PROCEDURAL INFORMATION	36
REQUEST FOR PHONE NUMBER OR ADDRESS	35
RACE RELATED COMPLAINTS	35
INTERMITTENT SENTENCE	34
LIVING CONDITIONS – CELL TIME	33
PRE-RELEASE	29
CONFINEMENT SEGREGATION	28
HEALTH – HOSPITAL VISITS/ADMISSION	27
LOST EARNED REMISSION	25
SPECIAL NEEDS/TREATMENT UNIT	23
HEALTH – DENTAL – DENTAL APPLIANCES/	
DENTURES	22
HEALTH – HIV/AIDS	19
INMATE INFORMATION GUIDE	18
PAROLE – COMMUNITY SERVICES/PPO	16
EMPLOYMENT – OTHER	13
HEALTH – HEPATITIS	11
LIVING CONDITIONS – IMMIGRATION HOLD	10
INMATE TRANSPORTATION UPON RELEASE	10

**BY SUBJECT MATTER**

ADMINISTRATION – INADEQUATE OR NO	
COMMUNICATION RECEIVED	10
CHARTER OF RIGHTS/HUMAN RIGHTS	9
HEALTH – SUICIDE WATCH	9
ADMINISTRATION – PROGRAM INFORMATION	
INADEQUATE	9
HEALTH – SEGREGATION	8
ADMINISTRATION – UNABLE TO OBTAIN FILE STATUS	
UPDATE	7
HEALTH – SECOND MEDICAL OPINION REQUESTS	7
ADMINISTRATION – EXCESSIVE BUREAUCRACY	6
HEALTH – MEDICAL SEGREGATION	6
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	6
HEALTH – GYNECOLOGICAL/OBSTETRICAL	5
LIVING CONDITIONS – SMOKING	4
ACCESS TO SERVICES (TECHNOLOGY) – TTY	4
HEALTH – MEDICAL CONFIDENTIALITY/ PRIVACY	4
HEALTH – SMOKING CESSATION ASSISTANCE	3
DECISIONS – DENIAL	3
HEALTH – HUNGER STRIKE – FOOD WATCH	3
BAILIFFS	3
PROBATION	3
FRENCH LANGUAGE SERVICES	3
ADMINISTRATION – FAILURE TO ACT ON	
NEW INFORMATION	2
DEATH OF INMATE IN CUSTODY	2
HEALTH – PRE-NATAL CARE	2
ALLEGATIONS OF REPRISAL FOR OMBUDSMAN CONTACT	2
MENTAL HEALTH CARE	1
MEALS AT COURT	1

\* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

## OUTCOME OF COMPLAINTS AND ENQUIRIES: Closed During 2004-2005

	Non-Provincial	Provincial
Resolved in Favour of Complainant		2,366
Resolved in Favour of Government		1,048
Resolved Independently		468
Discontinued by Complainant		1,187
Discontinued by Ombudsman		123
Inquiry Made/Referral Given/Resolution Facilitated	7,569	10,336
No Action Possible	77	216
<b>Totals of all outcomes</b>	<b>7,646</b>	<b>15,744</b>

## GLOSSARY OF OUTCOMES

*The outcome of complaints and enquiries reflects not the legislative authority under which complaints and enquiries are closed but the effective result.*

- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government:** The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently:** Our enquiries reveal that the complaint has been resolved either prior to, or independent of, our intervention.
- **Discontinued by complainant:** The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman:** The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the complainant has insufficient personal interest in the subject matter of the complaint; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Enquiry made/referral given/resolution facilitated:** Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible:** No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

# Complaints and Enquiries Closed 2004-2005 Against Provincial Government Organizations\* by Final Resolution

(When a complaint or enquiry is made against a Ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total	
	Complainant	Gov't Org.	Gov't Org. with Suggest.						
<b>MINISTRY OF AGRICULTURE AND FOOD</b>									
OTHER	1				1	9		11	
AGRICORP						1		1	
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL	1				1	2		4	
<b>MINISTRY OF THE ATTORNEY GENERAL</b>									
OTHER	5	2		1	2	43		53	
ASSESSMENT REVIEW BOARD	2	2			1	8	1	14	
CHILDREN'S LAWYER	1	1			2	18		22	
CRIMINAL INJURIES COMPENSATION BOARD	4	1			1	23		29	
CROWN ATTORNEYS						13		13	
LEGAL AID ONTARIO	11	22		2	8	2	123	171	
ONTARIO HUMAN RIGHTS COMMISSION	2	24			3	5	99	134	
ONTARIO MUNICIPAL BOARD		5					13	20	
PUBLIC GUARDIAN AND TRUSTEE	5	5			5	88		103	
<b>MINISTRY OF CHILDREN AND YOUTH SERVICES</b>									
OTHER		1				9	1	11	
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY						4		4	
SPECIAL NEEDS PROGRAMS – CHILDREN	2	1				8		11	
YOUTH FACILITIES	7	1		6	29	31	1	75	
<b>MINISTRY OF CITIZENSHIP AND IMMIGRATION</b>									
OTHER						1		1	
<b>MINISTRY OF COMMUNITY AND SOCIAL SERVICES</b>									
OTHER	2	3			2	49	3	59	
ADOPTION DISCLOSURE REGISTER	1	1				15		17	
DISABILITY ADJUDICATION UNIT	9			2	3	31		45	
FAMILY RESPONSIBILITY OFFICE	216	27	1	23	27	1	807	9	1111
ONTARIO DISABILITY SUPPORT PROGRAM	62	12		18	21	3	511	10	637
SOCIAL BENEFITS TRIBUNAL	5	13		1	3	3	73	1	99
SOUTHWESTERN REGIONAL CENTRE							1		1
SPECIAL NEEDS PROGRAMS – ADULT	2	1		1	1		1	1	7
THISTLETON REGIONAL CENTRE							1		1
<b>MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES</b>									
OTHER	10	4		3	4	57	2	80	
CORRECTIONAL CENTRES	670	153		128	338	58	2023	34	3404
CORRECTIONAL COMPLEXES	222	67		50	169		788	13	1309
DETENTION CENTRES	260	96		79	261		1157	55	1908
JAILS	163	59		50	166	3	665	13	1119
OFFICE OF THE CHIEF CORONER	1	1			1		5		8
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		1			1		8		10
ONTARIO PAROLE AND EARNED RELEASE BOARD	2	1			1		13		17
ONTARIO PROVINCIAL POLICE	2	1		2		1	26	1	33
PROBATION AND PAROLE SERVICES	1	1			2		36		40
TREATMENT AND CORRECTIONAL CENTRES	21	10		7	6		118	4	166

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.

*Complaints and Enquiries Closed 2004 - 2005 Against Provincial Government Organizations\* by Final Resolution*  
*(When a complaint or enquiry is made against a Ministry in general, it is identified as 'other'.) – Continued*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.					
<b>MINISTRY OF CONSUMER AND BUSINESS SERVICES</b>								
OTHER	2	2			2	26		32
ALCOHOL AND GAMING COMMISSION OF ONTARIO	4					13		17
LAND REGISTRY/TITLES		1				7		8
LICENCE APPEAL TRIBUNAL	1				1	1	6	9
ONTARIO RACING COMMISSION					1		4	5
REGISTRAR GENERAL BRANCH	456	3		45	19	5	811	3
<b>MINISTRY OF CULTURE</b>								
OTHER						5		5
ART GALLERY OF ONTARIO					1			1
ONTARIO ARTS COUNCIL						1		1
ONTARIO TRILLIUM FOUNDATION					1		4	5
<b>MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE</b>								
OTHER						1		1
LIQUOR CONTROL BOARD OF ONTARIO					1	10	1	12
ONTARIO LOTTERY AND GAMING CORPORATION		1			3	17		21
<b>MINISTRY OF EDUCATION</b>								
OTHER	2					21	2	25
<b>MINISTRY OF ENERGY</b>								
OTHER						4		4
HYDRO ONE NETWORKS INC.	25	4		5	5	1	111	2
ONTARIO ENERGY BOARD		2				9		11
<b>MINISTRY OF THE ENVIRONMENT</b>								
OTHER	2	2			3	1	28	2
DRIVE CLEAN PROGRAM	4	1				1	9	15
<b>MINISTRY OF FINANCE</b>								
OTHER	2	4			1		13	1
FINANCIAL SERVICES COMMISSION	3	360		1	2	2	24	1
MOTOR VEHICLE ACCIDENT CLAIMS FUND							4	4
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	4	1		1			41	1
PROVINCIAL TAX PROGRAMS	1	1			1		6	9
RETAIL SALES TAX	1	4		1	2	1	28	1
<b>MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS</b>								
OFFICE OF FRANCOPHONE AFFAIRS		1					1	2
<b>MINISTRY OF HEALTH AND LONG TERM CARE</b>								
OTHER	17	4		3	3	2	88	117
ASSISTIVE DEVICES/HOME OXYGEN PROGRAMS	2	1					17	20
COMMUNITY CARE ACCESS CENTRE	1	2		1	3	1	31	39
CONSENT AND CAPACITY BOARD							2	2
DRUG PROGRAMS BRANCH – ONTARIO DRUG BENEFIT PROGRAM							8	8
DRUG PROGRAMS BRANCH – SECTION 8 REQUESTS	2						12	14
DRUG PROGRAMS BRANCH – TRILLIUM DRUG PROGRAM	10			1	2		52	65
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	8				4	19	32
HEALTH SERVICES APPEAL AND REVIEW BOARD	1	3					8	12
LONG TERM CARE BRANCH	1						4	5
NORTHERN HEALTH TRAVEL GRANT	2	2		1	2		15	1
ONTARIO HEALTH INSURANCE PLAN	18	4		9	6	2	125	1
ONTARIO HEPATITIS C ASSISTANCE PLAN	2				1	1	3	7
PSYCHIATRIC HOSPITALS/MENTAL HEALTH CENTRES	4						41	3
PSYCHIATRIC PATIENT ADVOCATE OFFICE					2		5	7
<b>MINISTRY OF LABOUR</b>								
OTHER							15	1
EMPLOYMENT PRACTICES BRANCH	7	4		1			47	2
								61

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.

*Complaints and Enquiries Closed 2004 - 2005 Against Provincial Government Organizations\* by Final Resolution*  
*(When a complaint or enquiry is made against a Ministry in general, it is identified as 'other'.) – Continued*

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued by Com't	Investigation Discontinued by Omb.	Enquiry Made/Referral Given/Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.						
FAIR PRACTICES COMMISSION							5		5
GRIEVANCE SETTLEMENT BOARD							1		1
OCCUPATIONAL HEALTH AND SAFETY							4	1	5
OFFICE OF THE EMPLOYER ADVISER				1					1
OFFICE OF THE WORKER ADVISER	2			2	2		15		21
ONTARIO LABOUR RELATIONS BOARD	1	7		1	2	1	26	10	48
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	9	50			6	12	149	3	229
WORKPLACE SAFETY AND INSURANCE BOARD	17	5		4	8		506	9	649
MANAGEMENT BOARD OF CABINET									
MANAGEMENT BOARD SECRETARIAT	2			1	3		9	2	17
ONTARIO PENSION BOARD					1	1	2		4
ONTARIO REALTY CORPORATION	1						1		2
ONTARIO SECURITIES COMMISSION							5		5
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
OTHER	1		1			1	20		23
LINE FENCES REFEREE							1		1
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD	1				1		3		5
ONTARIO RENTAL HOUSING TRIBUNAL	10	12			8	4	123	3	160
MINISTRY OF NATURAL RESOURCES									
OTHER	2	4			1	1	25	1	34
CROWN LAND	1	1	1				16		19
LICENCES/TAGS	1				1		6		8
ONTARIO PARKS		1			2		7		10
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
OTHER	1					1	3		5
ONTARIO NORTHLAND TRANSPORTATION COMMISSION						1			1
MINISTRY OF TOURISM AND RECREATION									
NIAGARA PARKS COMMISSION							1		1
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
OTHER	3	1	1	3	2		16		26
APPRENTICESHIPS/WORK TRAINING							1		1
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	5	1		3	3		41		53
ONTARIO STUDENT ASSISTANCE PROGRAM	20	10		5	12	1	259	2	309
TVONTARIO							1		1
MINISTRY OF TRANSPORTATION									
OTHER	2	3			1		43		49
DRIVER LICENSING	11	7		4	5		123	1	151
GO TRANSIT							4		4
HIGHWAYS	1				2		11		14
MEDICAL REVIEW	3	9			4		91		107
ONTARIO HIGHWAY TRANSPORT BOARD						1	1		2
VEHICLE LICENSING	6	1	1	2			17		27
ONTARIO GOVERNMENT									
OTHER							79	3	82
ENVIRONMENTAL COMMISSIONER OF ONTARIO							2		2
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO							17	2	19
OFFICE OF THE AUDITOR GENERAL OF ONTARIO							1		1
OFFICE OF THE CHIEF ELECTION OFFICER							3		3
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER	1				1		24	1	27

\* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year



## CASE STORIES



## Ministry of the Attorney General

### Public Guardian and Trustee

**Mr. M** is disabled and the Public Guardian and Trustee (PGT) administers his financial affairs. He contacted our office after trying for two weeks to reach his client representative at the PGT. He was very concerned, as his weekly pay had not been deposited into his bank account two Fridays in a row. An Ombudsman Representative contacted the PGT about Mr. M's case. The PGT reviewed its records and found that on Christmas Eve the computer program had been altered to pay Mr. M for December 31<sup>st</sup> a week early. For some reason, the computer had not reinstated the case to automatic payment by direct bank deposit every Friday. As a result of our contact, the PGT arranged for two cheques to be couriered to Mr. M for the first two weeks of January. His direct bank deposit was also reinstated.

## Ministry of Children and Youth Services

### Special Services at Home – Children

**Ms A** complained to our office about the Ministry's treatment of her applications for funding under the Special Services at Home (SSAH) and Assistance for Children with Severe Disabilities (ACSD) programs. Ms A, a single parent, had applied to the programs when her child was born with special needs. The Ministry received her applications, reviewed them within a week and requested further documentation, which she subsequently supplied. Approximately six months later Ms A contacted the Ministry to see if her applications had been processed. In the interim, her child had died. The Ministry told Ms A that since it had not conducted a home visit before her child had died she would not receive any SSAH or ACSD assistance. Ms A never received a decision and had no opportunity to appeal.

An Ombudsman Investigator reviewed the matter and discovered that a home visit is part of the ACSD process but not required for SSAH assistance. Our Investigator also learned that Ms A's financial situation had deteriorated during the period her application was being processed. The Ministry was not aware of this and we found that her applications had received low priority. During the investigation the Ministry acknowledged that Ms A's applications had been overlooked when a new staff member had been hired. It also acknowledged that applicants are not informed that they should contact the programs, if there is a material change in their circumstances. As a result of our discussions with the Ministry concerning Ms A's case, it agreed to provide her with an apology and issue her a cheque for the amount she would have received had her applications been adjudicated. The Ministry also committed that as part of its review of business practices in the regional office that had dealt with Ms A's applications, it would publish a brochure that encourages applicants to contact the Ministry regarding changes in material circumstances.

## Ministry of Community and Social Services

### Family Responsibility Office (the FRO)

**Mr. B** contacted our office when he was unable to get a loan because the FRO had reported him to the credit bureau for having outstanding arrears. The FRO had reported Mr. B to the credit bureau and written to him asking for the arrears to be paid in full or to contact their office. Mr. B's lawyer contacted the FRO in writing and explained that the matter was before the courts. Mr. B and the support recipient later withdrew their case from the FRO and the case was closed. Mr. B's lawyer wrote several letters to the FRO to try to resolve the situation but received no response. An Ombudsman Representative contacted the FRO and, as a result of our intervention, the FRO reviewed the case and had Mr. B's name deleted from the credit bureau records.

**Ms C**'s lawyer contacted our office for assistance in getting the FRO to remove a Writ of Seizure and Sale. Ms C, a support recipient, had reached a settlement agreement with the support payor. Ms C and the payor jointly owned a property that was to be sold in a few days to satisfy support arrears. However, a Writ against the property had been filed by the FRO and had to be removed before the property was sold. Ms C's lawyer had been unsuccessful in trying to reach the FRO. An Ombudsman Representative called the FRO to discuss the situation. As a result of our enquiry, within 24 hours, the FRO had directed the removal of the Writ, the sale proceeded and Ms C received her arrears.

**The Ombudsman** was very concerned after he learned of a case which the FRO had closed because it could not locate the payor. After the case was closed, the payor was able to have his driver's licence reinstated by paying only an

## Dear Ombudsman

I recently needed help with a problem I had with the Family Responsibility Office. Within one day I received a call from the FRO and the problem was resolved. I had been trying for 2 years to resolve this issue with no avail. If it weren't for your staff person, this issue still wouldn't be resolved and I just want to thank you for all the help I received.

enforcement fee rather than the substantial outstanding support arrears. The Ombudsman commenced an investigation on his own initiative concerning the manner in which the FRO closes cases in which enforcement efforts have been exhausted and arrears remain outstanding. As a result of the Ombudsman's involvement, the FRO instigated an "internal operational review" of the issue. The Ombudsman continues to monitor the results of this review.

**Mr. D** complained to our office that he was being forced to go through the Graduated Licensing System because the FRO had not reinstated his driver's licence two years earlier when it closed his case in October 2002. As a result of our intervention, the FRO acknowledged its error and requested that the Ministry of Transportation adjust Mr. D's record to reflect that his licence was reinstated as of October 2002.

**Mr. E**, a support payor, contacted our office to complain about the FRO's enforcement of his case. As a result of our contact with the FRO, it reviewed its case again and discovered it had overlooked the fact that certain arrears had been rescinded. Mr. E's case was adjusted and the arrears reduced by \$5,450.

**Mr. F** is a support payor who complained about the FRO's calculation of a cost of living adjustment (COLA). In response to our notice of intent to investigate, the FRO acknowledged that staff had provided inconsistent information about the documents he was required to submit in order for it to calculate the COLA. As a consequence, the FRO waived the amount of \$58.64 currently outstanding on Mr. F's case, and agreed to close it, in exchange for his agreement not to litigate the issue.

**Mr. G** complained that the FRO had begun garnishing his wages, after it had been notified by the support recipient two years previously that his support obligation had terminated with respect to one of his children. The FRO's position was that the court had ordered one total payment for both children. Mr. G disagreed with this interpretation, noting his court order stated "\$200 per month for each of the two children." After we discussed Mr. G's case with the FRO, it agreed with Mr. G's interpretation. Consequently, Mr. G's support payments were reduced, the federal garnishment was cancelled, a credit bureau report was deleted, money was refunded to Mr. G and his account was credited for a six-month period.

**Mrs. H** has the power of attorney for her husband who has a psychiatric disability and is a support payor. Mrs. H called because she had sent two facsimile transmissions to the FRO to provide new banking information. The FRO had still not changed the information on the file, causing her husband's latest support payment to be returned due to insufficient funds. When an Ombudsman Representative contacted the FRO, it explained that it required a void cheque or a letter of explanation stamped by the bank. Mrs. H was asked to resend the banking information. Given the circumstances, the FRO agreed to waive the charge for non-sufficient funds.

**Ms I**, a support recipient, contacted our office because she felt the FRO was not adequately enforcing her court order. She explained that the payor was chronically in default and that the court had determined his income was more than sufficient to pay his support obligation. Ms I advised the FRO that the payor had money from an income property, but the FRO told her it could only act on this information if it had the name of the tenant. Ms I was very frustrated at being asked for such information. As a result of our intervention, the FRO undertook to search for the tenant's information and garnish the payor's rental income.

**Mr. J** contacted our office explaining that his support case was closed in 1999 with a zero balance. However, five years later, he discovered he could not renew his mortgage due to a credit bureau report by the FRO that had never been removed. He was unable to reach the FRO by phone to discuss his situation. After we brought this matter to the FRO's attention, it contacted Mr. J, sent a letter to the bank confirming no arrears were owing on the case and requested that the credit bureau report be cancelled.

**Mr. K** complained to the Ombudsman that he had been trying to reach the FRO by telephone since his income tax refund had been sent to the FRO. He explained that his support was not in arrears and he wanted his money and

the federal garnishment registered by the FRO cancelled, as soon as possible. As a result of our enquiries, the FRO removed the federal garnishment and issued a cheque, in the amount of \$2037.75 to Mr. K. In addition, since Mr. K was now in a credit position, the FRO contacted his employer and arranged for his deductions to be adjusted.

**Ms L** complained to the Ombudsman that the FRO was not collecting enough money from the payor's income. She explained that her court order placed a limit on the amount of money that FRO could collect, but that since the payor had breached the order, the limit no longer applied. After our office contacted the FRO to discuss the situation, the FRO agreed with Ms L's interpretation of the court order and increased the amount of money deducted from the payor's income.

**Mr. A**, a support recipient, called our office because the FRO had not begun to enforce a court order that had been sent to it two years earlier by the Quebec government. When an Ombudsman Representative contacted the FRO, it confirmed that it had received the court order in July 2003. However, it was in French and required translation. It was not sent for translation until July 2004. The order was then placed in the wrong file and lost. As a result of our enquiry, the FRO located the order, sent it to be registered with the Ontario courts and committed to processing it on an urgent basis.

## Ontario Disability Support Program (ODSP)

**Ms D**, a recipient of ODSP benefits, was concerned because the ODSP had rejected an Assessment Summary provided by the Ontario Student Assistance Program (OSAP), jeopardizing her continuing entitlement to ODSP benefits. Ms D was caught between two government programs, which seemed unable to communicate effectively with each other. Through discussions with staff of the two programs Ombudsman Ontario was able to resolve Ms D's

dilemma. However, the Ombudsman was concerned that others might be similarly affected by the communication problem between the OSAP and the ODSP.

The Ombudsman wrote to the Ministry noting that he understood that the ODSP staff could access OSAP information on-line, but that they were not using this method to obtain information. He also noted ODSP staff did not appear familiar with how and when the OSAP produces entitlement information. The Ministry agreed to look into the matter and subsequently confirmed that designated staff in Ministry local offices have access to OSAP information online and that a reminder notice to use this method, had been issued to Ministry staff.

**Mr. E** had suffered an accident at work during which he had incurred a brain injury. He was receiving ODSP and Canada Pension Plan benefits. Mr. E contacted our office, as he was frustrated in his attempts to obtain financial information from the ODSP necessary to finalize an insurance settlement. Our office made a number of enquiries to the ODSP and, as a result, Mr. E obtained the necessary information and concluded his settlement with the private insurer.

**Ms F** called our office complaining that the Ministry had refused to release her son's ODSP benefit cheque. Ms F explained that her son had received a retroactive payment from ODSP and as a result, his assets increased above the allowable limit. Ms F said she had contacted ODSP and been told that if her son spent the excess money before the end of the month and submitted the receipts, he would still receive a cheque. Consequently, Ms F's son used the money to purchase some personal items. The Ministry reviewed the receipts and advised Ms F that since a number of the purchases were luxury items, they would still be counted as assets in excess of the allowable limit. An Ombudsman Representative contacted the ODSP and

explained the situation. As a result, the Ministry agreed that since Ms F had been given incorrect information at the outset, it would overlook the purchase of luxury items and continue her son's benefits.

**Ms G** contacted our office complaining that a private collection agency had contacted her to collect an overpayment even though she had never received notice of it or of her right to appeal. Ms G explained that she had received Family Benefits (now administered through the ODSP) for approximately a year following the onset of a psychiatric disability. She later returned to work in the Yukon Territory on a three-month contract. She recalled writing the Ministry that she had returned to work. However, she was unable to follow-up with the Ministry, as she was working in a research field office and did not have access to a telephone or to a fax. While Ms G was working, her Family Benefits continued to be directly deposited to her account. When Ms G's contract ended and she accessed her account, she assumed that the money in the account was hers to spend.

When Ms G learned of the overpayment from the collection agency, she obtained a copy of her Ministry file. She noted there was nothing in the file indicating that the Ministry had advised her of the overpayment or of her right to appeal. In addition, she noted that there were copies of letters in the file that the Ministry had sent to an incorrect address.

In response to our notice of intent to investigate, the Ministry agreed to deem the overpayment to be uncollectible and recall it from the collection agency. The Ministry acknowledged that it could not prove that Ms G was aware of the overpayment or of her right to appeal it.

**Mr. H** contacted our office because he was concerned that he was unable to get his ODSP benefit cheque reissued to him. He explained that the week before his bank had advised him that since he had closed his account, it had returned his ODSP cheque to the Ministry.

Mr. H needed the money urgently for insulin and needles. He explained that he had contacted the Ministry a number of times to attempt to obtain a replacement cheque. When this proved ineffective, he contacted our office. As a result of our enquiry to the Ministry, it agreed to manually produce a cheque and have a staff member deliver it to Mr. H that same day.

**Ms I** contacted our office concerned because she was having difficulty obtaining an extension of ODSP benefits. She explained that her daughter had recently died and that she and her husband were now caring for her daughter's two children. Ms I said her daughter had been an ODSP recipient and that she and her husband lived on a retirement pension. She had requested that ODSP benefits be extended for a few months, but this request had been denied as they were in receipt of Temporary Care Assistance through the Ontario Works program. Following our intervention, the Ministry agreed to pay Ms I the difference between the ODSP benefit and what she received under the Ontario Works program. The Ministry also agreed to review its extended benefits directive with staff to avoid similar situations arising in the future.

**Mr. J** is an ODSP recipient who suffered a brain injury and has difficulty with memory retention. He contacted our office and explained that the Disability Adjudication Unit (DAU) had approved his medical eligibility for ODSP benefits in February 2004. However, three months later he had still not received any money. He added that his municipality had terminated his Ontario Works benefits because he was entitled to ODSP benefits. Mr. J explained that he was experiencing great financial hardship. He was unable to pay his rent, was facing eviction and could not afford to purchase his medication. Mr. J stated that his ODSP worker had not returned his calls.

When we contacted the Ministry, it advised that it had notified Mr. J that his Ontario Works benefits had been

terminated because he was receiving insurance money. It said it had requested that he provide more information so it could assess his financial eligibility for benefits but he had not done so. The Ministry also claimed that Mr. J had hung up when the Ministry tried to provide him with information. The Ministry explained that it had scheduled an interview with Mr. J but that he had not shown up and that his ODSP worker had been on holiday and could not return his calls.

The Ministry acknowledged that it was experiencing delays in processing all of its DAU approvals and the average processing time was four months. Mr. J countered that no one at the ODSP office ever informed him that there were documents missing from his file and someone had called him to cancel his appointment

because the file was already complete. Mr. J resubmitted the information he said he had already provided to the Ministry and shortly after, the Ministry approved Mr. J's benefits and issued his first cheque and drug card.

**Mr. I** contacted our office because of the Ministry's delay in reinstating his full ODSP benefits. Mr. I is living with AIDS. He had been working full-time but had to stop as his illness worsened. He contacted us very concerned because his drug costs are high and he was in need of rent money. When an Ombudsman Representative enquired about his situation, the Ministry informed her that the Ministry required more information from Mr. I about money he would be receiving from Employment Insurance.

## Dear Ombudsman

All too often, we are quick to complain but slow to compliment. In this respect, I recently received such quick and responsive customer service that I felt very strongly I should write you to compliment your organization and specifically the service I received from one of your employees...

Mr. I provided this information to the Ministry, but contacted our office again, when he had not received a response from the Ministry.

Following our further contact with the Ministry, Mr. I was asked to provide additional information. After receiving this information, the Ministry agreed to reinstate his benefits and provide him with a drug card. A couple of months later Mr. I called to say that he had not received a drug

## Dear Ombudsman

I made an appeal for support to the Ombudsman's office. I got great encouragement from this office by responding to me quickly. A special thank to your staff person who made regular phone calls to me almost daily. I am very thankful to Ombudsman by giving me courage. Thank you so much for your moral support.

card for the current month and would be running out of medication soon. The Ministry initially advised our office that Mr. I was not eligible for a drug card that month because his Employment Insurance income was too high. However, it later recognized that his medical costs were very high and provided him with a drug card.

**Ms J**, a recipient of a disability pension, contacted us because her gas had been cut off and the Ministry advised her that it could not provide her with ODSP benefits to assist in paying her outstanding gas bill. When an Ombudsman Representative contacted the Ministry, it advised that it was aware of Ms J's situation and was waiting for information from the gas company. Our office continued to follow-up with the Ministry to ensure that Ms J's situation was properly addressed. As a result, the Ministry arranged for Ms J's outstanding gas bill to be paid through municipal Ontario Works and her gas was reconnected.

**Ms K** is blind and resides in a nursing home. She complained to Ombudsman Ontario that the Ministry had told her it would not pay for repairs to her wheelchair under the

ODSP because she lived in a nursing home and the expense should have been covered through the Ministry of Health and Long-Term Care. An Ombudsman Representative contacted the Ministry to discuss Ms K's situation. The Ministry noted that it has the authority to authorize wheelchair repairs if there is no other available source of funding. As a result of this intervention, the Ministry agreed to pay for Ms K's wheelchair repairs.

**Ms L** is a resident of a Northern Ontario community. She complained that she had to attend a medical appointment in Toronto and the Ministry was refusing to pay for her to stay overnight. She said that her health did not permit her to undertake the journey in one day, as she needs regular 30-minute breaks and cannot sit in a car for long periods of time. We contacted the Ministry, which explained that ODSP directives state the "most economical mode of transport and accommodation that an approved health professional indicates a person can use, should be used." After we discussed Ms L's case with the Ministry, it agreed to review her file. It subsequently obtained medical information directly from Ms L's doctor and agreed to pay for three days' and two nights' accommodation.

## Ministry of Community Safety and Correctional Services

### Adult Institutional Services, Central Region

**Mr. A**, an inmate at a detention centre, complained that his numerous requests to obtain a pair of reading glasses had been ignored. An Ombudsman Representative contacted the facility's Health Care Coordinator, who advised that she would provide Mr. A with a donated pair of glasses. Mr. A later told us that, after our enquiry, the facility sent his prescription glasses, which were damaged, off-site and had them repaired.

**Mr. D** contacted our office in distress alleging that two inmates had assaulted him and were threatening to cause him further harm. He said he required immediate protection and removal from his range. He explained that the perpetrators were watching him and had warned him not to speak with any correctional officers. An Ombudsman Representative immediately called facility officials, who agreed to conduct an investigation. As a result of Ombudsman Ontario's intervention, facility officials confirmed Mr. D's claim and moved him to a safer range under protective custody.

**Mr. E** called our office from a correctional facility stating that he was to be transferred to a facility for treatment for substance abuse and would like to be transferred as soon as possible. Mr. E had been told that the waiting list for transportation to the program was four to eight weeks long. He explained that if he had to wait eight weeks, he would no longer have enough time remaining in his sentence to qualify for the treatment program. Mr. E stated he was willing to give up four months of earned remission in order to finish the treatment program. An Ombudsman Representative enquired into the situation and was told by facility officials to contact the bailiff's office. The bailiff's office explained that Mr. E would be moved in three to four weeks, as his name was not at the top of the waiting list. The Ombudsman Representative then contacted the treatment facility. The Deputy Superintendent of Programs at the treatment facility stated that under the circumstances Mr. E should be considered a priority. She committed to contacting the Provincial Bailiff's Coordinator to ask that Mr. E be placed on the top of the transportation list. As a result of our efforts, Mr. E was transferred for treatment within a few days.

**Mr. F**, an inmate at a correctional facility, contacted our office explaining that he had signed a form requesting that he be moved from the Protective Custody Unit to the unit

holding immigration detainees but instead he had been moved to a Special Needs Unit. He could not understand why this had happened and could not obtain information to clarify the move. Mr. F said that he understood that the psychiatrist was the only person that could sign him out of the Special Needs Unit. Mr. F said that he had seen the psychiatrist three weeks ago and had been cleared for the move. An Ombudsman Representative contacted the facility, which reviewed the matter and explained that although the psychiatrist had cleared Mr. F's transfer, the paperwork had not been processed. The Ombudsman Representative reminded facility officials that the inmate had seen the psychiatrist three weeks previously. As a result of our intervention, that afternoon Mr. F was moved to the unit he had requested.

**Mr. G** contacted Ombudsman Ontario because correctional staff could not locate his street clothes and he was concerned he would have only an orange institutional jumpsuit to wear when he was released. As a result of our enquiries, arrangements were made to obtain clothing from the Salvation Army for Mr. G, if his clothing could not be located before his release.

**Ms H** wrote to Ombudsman Ontario about the delay she was experiencing in getting medical treatment for a gynecological condition. She also claimed that there was blood in her urine. Ms H said correctional staff had not responded to her requests for medical intervention. As a result of Ombudsman Ontario's enquiry concerning Ms H, facility medical

staff located and reviewed previous test results that had been filed, and then ordered a urine test and treatment for Ms H's condition.

Dear Ombudsman

Thank you for your help.

We really appreciated being treated with some respect.

**Mr. I**, an inmate of a privatized correctional facility, complained to the Ombudsman that his canteen order went missing while he was in segregation. As a result of our intervention, the facility reimbursed Mr. I for his canteen order and developed a tracking system for incoming canteen orders.

**Mr. M** contacted Ombudsman Ontario because his medication had been discontinued after he was transferred from a privatized correctional facility to a provincial correctional facility. Mr. M said he was told no medication would be prescribed until his medical file was reviewed. An Ombudsman Representative contacted the facility and was told that Mr. M's medical file had not been transferred with him. As a result of our enquiry, Mr. M's file was located and reviewed, and his medication was continued.

**Mr. N** called us from a jail complaining that the Chaplain had refused to recognize him as a Muslim inmate. He explained that he had converted from a Christian faith and been recognized as a Muslim in another institution. An Ombudsman Representative contacted the institutional Chaplain. As a result of our intervention, the Chaplain agreed to meet with the inmate, provide him with the items he needs to practice his faith and ensure he is provided with a Halal diet.

**Mr. O** called us from a correctional centre. He stated that he had been transferred from a federal facility to attend court, but claimed this was in error as there were no outstanding charges against him. The facility maintained that it could not transfer Mr. O back to the federal system until his court proceedings were complete. However, as a result of our enquiries, the facility reviewed the matter further, determined it had made a mistake and made arrangements to transfer Mr. O back to a federal institution.

**Mr. P** called our office concerned because he had not received his blood pressure medication since his admission

five days previously. Mr. P said that the facility's nurses kept telling him that the facility doctor had not approved his medication. Mr. P complained that he was feeling unwell with dizzy spells and light-headedness. An Ombudsman Representative contacted the facility's Health Care Coordinator, who confirmed that the facility doctor did not agree with the medication Mr. P had been taking. After the Ombudsman Representative alerted the facility to Mr. P's symptoms, he was promptly seen by the doctor who prescribed new medication for him.

**Mr. Q** contacted our office concerned that, although his wife had been granted permission to attend his probation and parole hearing that day at a correctional facility, the facility had just told her that she would be denied entry. Mr. Q said that his wife's attendance at the hearing was critical to his consideration for parole. An Ombudsman Representative immediately contacted the facility and spoke with the Security Manager, who agreed to review the situation. The Security Manager later advised that there had been a communication problem and that he had since instructed the front desk to grant Mr. Q's wife entry into the facility to attend the hearing.

**Mr. R** is an inmate at a privatized correctional facility. Mr. R said that because of orthopedic difficulties, he had been given medical approval to use his street shoes while incarcerated. However, he claimed that he had been waiting for weeks to get his shoes and that he was experiencing a great deal of difficulty and pain while walking in the facility. An Ombudsman Representative spoke to the facility's Health Care Coordinator, who confirmed Mr. R's use of street shoes had been approved and explained that the shoes were with the Security Manager for assessment. Through the Ombudsman Representative's contacts with the Security Manager, Health Care Coordinator and Communications Director, we were able to assist Mr. R to get his shoes.

**Mr. S**, for whom English is a second language, called our office to raise concerns about frequent strip searches. Mr. S also questioned a recent decision of the Ontario Parole and Earned Release Board (OPERB). Our staff contacted the facility's Deputy Superintendent of Operations to discuss Mr. S' difficulties which appeared to relate to his inexperience in speaking English. We enquired whether Mr. S could be provided with interpretation services. Subsequently, the facility was able to explain the strip search requirement to Mr. S and arranged for an interpreter to be present when the OPERB appeal process was explained.

**We received** a call from Mr. T. He explained that his cellmate, Mr. U, only spoke Vietnamese. He said that Mr. U had injured his shoulder and needed assistance. An Ombudsman Representative arranged for Mr. U to call back and spoke to him using an interpreter supplied by our office. Mr. U explained that he had fallen out of his top bunk almost a month previously and had injured his shoulder. He said he had seen the facility doctor a week ago and been told that he would need to see his family doctor when he was released. Mr. U was concerned that the doctor did not understand how much pain and discomfort he was having with his shoulder. The Ombudsman Representative spoke to the Deputy Superintendent of the facility and was informed that no accident report or occurrence report had been made concerning Mr. U. The Health Care Unit confirmed that Mr. U had been seen by a doctor, who found a shoulder abnormality and prescribed pain medication, but no follow-up. The Ombudsman Representative was able to persuade a nurse go to see Mr. U and assess his condition. Mr. T later told us that Mr. U had received treatment as a result of our intervention.

**Mr. V** complained to our office that after an internal facility transfer he was told he would no longer receive his approved religious kosher diet. An Ombudsman Representative immediately contacted the facility's Chaplain and requested that he review the matter. The Chaplain later advised us he

had discovered that Mr. V's name had been mistakenly removed from the list of kosher meals. He assured us that he had taken steps to ensure that Mr. V received his proper religious diet in future.

**Mr. W** complained to our office that while he was in a correctional facility preparing for court, he discovered that his clothes were missing. He said he had reported it several times to staff. He also said that staff provided him with clothes from the Salvation Army for his court appearances. In response to the Ombudsman's notice of intention to investigate, the facility stated that there was no record that Mr. W had ever complained that his clothes were missing. It was also stated that there was no note on Mr. W's personal property declaration form that he had been issued any clothes from the Salvation Army. The facility explained that Mr. W's friend had removed all of his personal property and clothing prior to Mr. W's transfer to another facility. The facility also explained that Mr. W had signed his property form, declaring that he had his clothes at the time of his transfer. It was suggested that if Mr. W's clothes did go missing it was after he was transferred to another facility.

Ombudsman Ontario's investigation revealed that Mr. W's property form was a copy and not an original, it was incomplete and contained no information about his friend removing his property. We also learned that it was not the facility's practice to keep any record of an inmate's receipt of Salvation Army clothing and staff advised that the documents suggested that Mr. W's friend had only picked up his personal property and not his clothes. We discovered that clothing exchanges can be made and are recorded but otherwise no clothing can be taken out of the facility. During the investigation, the facility located Mr. W's clothes, which had been placed in the wrong garment bag and they were returned to him. The facility Superintendent also apologized for the earlier response, and acknowledged that the suggestion that another facility may have been responsible was inaccurate.

**Mr. X** complained to the Ombudsman that the prices charged by a private supplier for inmate canteen items were too high and inconsistent with the Ministry's inmate information guide, which provided that canteen prices are the same as "on the street." Mr. X gave the example of a 60 gram item marked 99 cents, which was substituted for a 70 gram item for which inmates had paid \$1.41. In response to the Ombudsman's notice of intention to investigate, the Assistant Deputy Minister advised that the canteen supplier had been directed to ensure that if canteen substitutions are necessary, the product would be substituted with one of equal or greater value. He also advised that the current inmate information guide had not been revised for some time and is currently undergoing review.

**Mr. Y** called our office and explained that he had been given permission by the facility's doctor to use contact lenses. However, he was not allowed to use contact lens solution, and consequently one of his lenses was damaged. At the time he contacted us, Mr. Y was quite concerned because he could only use one lens. Mr. Y said that his parents had brought in several pairs of disposable lenses but despite his requests, the facility had not provided these to him. After an Ombudsman Representative made a few calls to the facility, it admitted that the disposable lenses had been misplaced. The facility agreed to reimburse Mr. Y's parents for the cost of obtaining replacement lenses.

**Mr. Z** called our office and explained that he had been transferred from one facility to another because of allegations that he had done something to a staff person or his family. He said his inmate card, which correctional officers have access to, contained these allegations and that correctional officers were causing him difficulties as a result. An Ombudsman Representative spoke to the Security Manager at the receiving facility who explained that the information was on a computer-generated printout that stated, "management risk – management problem previous –

must not return to the [facility] – offences against staff." The Security Manager explained that the transferring facility had advised that Mr. Z's brother, during a random shooting, had killed a good friend of an Operational Manager at the transferring facility. Mr. Z was transferred because inmates at the transferring facility liked the Operational Manager and there was concern that they might assault Mr. Z. The Security Manager said that, although the information on the inmate card appeared to be wrong, it would have to be corrected by someone at the transferring facility. The Ombudsman Representative made a number of enquiries to the transferring facility. Eventually, the Operational Manager whose friend had been killed offered to have the information corrected. The Security Manager at the receiving facility later confirmed that the information had been changed.

**Mr. A** called our office because he was concerned that he had been waiting 26 days for the correctional facility he resided in to convert his U.S. funds to Canadian dollars. He believed the delay could cause him to miss his weekly canteen order, which also included stamps for letters to his family overseas. As a result of our call to the facility, it offered to pay for Mr. A's postage immediately because of the delay in getting his cheque converted to Canadian funds. The facility explained that the problem was that banking was done only twice a month. The facility committed to reviewing and possibly changing this procedure to avoid future delays.

**Ms B** wrote to our office complaining that since her admission to a correctional facility she had not received proper medical attention for her finger, which she believed was broken. Ms B said that she had brought the problem to the attention of the health care staff but that no action had been taken. An Ombudsman Representative contacted the Health Care Unit of the facility and advised them of Ms B's concern. As a result of our intervention, Ms B was sent to an outside hospital for treatment.

**Mr. C** called our office saying he needed help in planning his discharge from a correctional facility. He said he would soon be released and he wanted to ensure that he received social assistance when he was released. Mr. C claimed he had put in five requests to the facility for help but had not received a response. As a result of our enquiry to the facility, arrangements were made for a discharge planner to meet with Mr. C.

**Mr. D** contacted our office complaining that he had not been given medical tests the institutional doctor had ordered for him and he was experiencing increasing abdominal pain. An Ombudsman Representative contacted the Health Care Coordinator at the facility, who agreed to schedule Mr. D for tests on a specific date. Mr. D called our office later complaining that he did not have the tests on the scheduled date and he was being asked to sign a form acknowledging that he refused to go to health care for the tests. He denied refusing to attend for the tests. Following a second call to the facility by the Ombudsman Representative, Mr. D received the tests and the facility apologized to him for the delay and miscommunication.

**Mr. T** called our office five days after he had been admitted to a correctional facility complaining that he needed to see a doctor because he had not been able to sleep since his admission. Mr. T explained that he had been taking medication for three months before his incarceration, but that he had not received anything since. Although Mr. T knew the name of the medication, he was unaware that he had been taking an anti-depressant. He told an Ombudsman Representative that he was feeling very depressed and was crying most of the time. The Ombudsman Representative called the Senior Nurse at the facility. The Senior Nurse said that the doctor did not renew Mr. T's medication because he was already taking two other kinds of anti-depressants. Upon further questioning by the Ombudsman Representative, the Senior Nurse realized that a mistake had occurred and that two inmate files had become confused.

As a result of our intervention and on the same day, a nurse went to see Mr. T, called his drugstore to confirm the information he had given and his medication was re-ordered. Mr. T was also put on the list to be seen by the doctor.

**During a tour** of a privatized correctional facility, an Ombudsman Representative met a hearing-impaired inmate, who had been unable to contact his family because there was no teletypewriter (TTY) available for him to use. A TTY or text telephone, has a typewriter keyboard with a text screen. Using a TTY, an individual can make or receive telephone calls by typing their conversations, via two-way text. The communication can be read on a lighted display screen and/or a paper printout in the TTY. The Ombudsman Representative spoke with facility staff, who explained that there were no telephone jacks in the living units to accommodate a TTY. Another hearing-impaired inmate complained to us about this issue and we continued to address it with the facility. As a result of our persistence, the facility took the necessary steps to make a TTY available to inmates.

**Mr. U** called our office concerned that institutional health care staff had missed his methadone dosage the day before. He explained that he was feeling very unwell and that he feared his dose would be missed for a second day. An Ombudsman Representative immediately contacted a senior health care representative, who looked into the matter, and acknowledged that there had been some nursing errors resulting in a delay in Mr. U receiving his medication. The facility subsequently provided Mr. U with his medication and health care staff met with him twice to ensure that he had no additional concerns.

## Dear Ombudsman

Usually all one gets one polite form letters that in essence say, "this is how we're skipping out on this matter and... have a nice day." You did an excellent job of drawing a bead on my letters and outlining the appropriate parameters. I very much appreciate that.

**Mr. V**, an African Canadian inmate, complained that when he was transferred to a smaller correctional facility, his "afro pic" hair comb had been confiscated and culturally appropriate hair grooming products were not available from the facility's canteen list. Mr. V was concerned that his inability to properly comb his hair would negatively compromise his opportunity to present a positive image at his trial. Mr. V also noted that the restriction on culturally specific products had an adverse impact on an identifiable ethnic and cultural group within the inmate population of the facility. When our staff contacted the facility, we were told that the Superintendent had decided to remove these culturally specific products from the canteen list. We then contacted the Ministry's Anti-Racism Coordinator to discuss the situation. The Anti-Racism Coordinator ensured that the culturally specific products would be immediately returned to the canteen list. Further, the Ministry advised

that guidelines had been changed to prevent an individual Superintendent from making a random arbitrary decision. Now Superintendents must proceed through the Ministry's Canteen Committee to obtain approval for removing any items from their facility's canteen list.

## Dear Ombudsman

Without the special focus and unique perspective provided by your office, I am certain we would not have been able to attain the results realized. Thank you very much.

**Mr. W** contacted our office concerned because he was awaiting deportation and the correctional facility in which he was housed had confiscated and subsequently lost his prescription eyeglasses. Mr. W explained he had been trying for months to resolve the matter and he was very concerned that he would be deported without his glasses. Our staff immediately contacted the facility's Health Care Coordinator, who, after a prompt investigation, confirmed that the facility was at fault and would absorb the full replacement cost of the prescription glasses. Mr. W was provided with new glasses before he was deported.

**Mr. X** called complaining that inmates were required to use the same Styrofoam cups and plastic spoons for all three meals. However, no arrangements had been made for storing or cleaning them. An Ombudsman Representative contacted the facility, which issued a memorandum to all staff confirming that inmates were to be given fresh spoons and Styrofoam cups with each meal.

**Mr. A** complained to the Ombudsman that he had not received continuity of medical care when he was admitted to a correctional facility operated by a private administrator. His community physician had prescribed a treatment routine for a pre-existing head injury that included antibiotic medication four times daily, daily dressing of his wound and administration of pain medication one hour prior to the dressing change. Mr. A said he had only been provided with the antibiotic three times a day, his dressing was not changed daily and he was not given pain medication on any consistent basis. A review of the facility's medical records confirmed Mr. A's allegations. Our office shared its investigative results with the Ministry, which reviewed the case with the private administrator. The private administrator agreed to compensate Mr. A in recognition of the medical challenges he had faced during his incarceration. As a result of this case, the Ministry developed a "medication omission" definition, to ensure that the private administrator forwards occurrence reports to the Ministry's Senior Medical Consultant when medication doses are not administered. The Ministry also committed to continuing to conduct health care services reviews at the facility to ensure quality health care services are provided to inmates.

**Mr. B** called our office complaining that he had not received his medications for HIV and Hepatitis C since his admission to a privately run correctional facility. Our staff determined that Mr. B had waited a day and a half to receive his medications as a result of a transfer between facilities. As a result of our intervention, the Senior Nursing

Consultant sent a reminder to all health care coordinators reminding them to provide a supply of essential medication for inmates on transfer.

## Adult Institutional Services, Eastern Region

**Mr. R**, who was serving an intermittent sentence over two weekends, called to complain that he had not received prescribed antibiotics during the first weekend he had been in custody. Prior to his incarceration, Mr. R had advised the facility nursing staff that he was receiving antibiotics four times a day. He was told that he could not bring his medication to the institution but that he should write down the details. When Mr. R arrived at the facility on Friday night, he was told he was being transferred to another facility that would address his medication issues. He arrived at the second facility at midnight. When he told the nurse at the second institution that he required antibiotics, he was told she would see what could be done. However, inmates were restricted to their cells all weekend and Mr. R never received any antibiotics. An Ombudsman Representative contacted health care officials and the Deputy Superintendent at the facility Mr. R had first attended. Staff was unclear as to whether an inmate entering the institution should be told to bring in a prescription, their medication or an empty bottle with the prescription on it. As a result of our enquiries, the Health Care Coordinator at the first facility issued a memorandum outlining the procedure for intermittent inmates on medication being transferred to a second facility.

**Mr. C**, an inmate at a correctional facility, complained that he had returned from court to find that his bedding had been removed. He said he asked the correctional officers, who were then on duty, for bedding but was given only a mattress. He stated that when he requested a pillow, sheets and a blanket, he was told the officers were busy and later warned that he would be placed in a

segregation cell if he continued with his request. An Ombudsman Representative contacted the Deputy Superintendent at the facility, who looked into the matter and confirmed that Mr. C had been denied bedding the previous night. He explained that the correctional officers in question had explained that the laundry room had been locked. However, the Deputy Superintendent said that, although the Laundry Officer had left the building, complete bedding was available on a twenty-four hour basis to inmates and that the correctional officers simply failed to do their job. The Deputy Superintendent expressed concern that Mr. C had spent a cold night without adequate bedding. As a result of our enquiry, the Deputy Superintendent addressed the situation with the correctional officers and Mr. C was supplied with adequate bedding.

**Mr. E** contacted Ombudsman Ontario concerned that although his eyesight was deteriorating, a facility doctor had told him that nothing would be done about it, as his release was imminent. An Ombudsman Representative contacted the facility's Health Care Coordinator, who, as a result, arranged for Mr. E to be seen by the doctor again and provided him with a pair of non-prescription glasses, which improved his eyesight.

## Adult Institutional Services, Northern Region

**Mr. K** called our office because he was having trouble contacting a lawyer, who had spoken to him at court and told him she was willing to represent him. He received the list of local lawyers from the facility but could not find the lawyer's name on it. Our staff spoke to the facility's Superintendent, who agreed to find the lawyer's telephone number. The Superintendent was able to locate the lawyer and provided the inmate with her telephone number.

**Mr. L** called our office, concerned that he was not being provided with safety shoes when he worked in an institutional kitchen, in accordance with Ministry policy.

An Ombudsman Representative contacted the facility's Superintendent, who indicated that the issue of safety shoes was under review but that there had been no change in policy. As a result of our call, the Superintendent instructed that inmates working in the kitchen be provided with safety shoes.

## Adult Institutional Services, Western Region

**Mr. A** complained that he had had to pay for his own ticket home when he was released from a correctional facility. He explained that he had been transferred to a facility farther from his home for a court date, but that he had been released after the court dismissed his outstanding criminal charges. The facility refused to pay for his ticket because he had not requested reimbursement in advance, in accordance with Ministry policy. We were told by the facility that Mr. A should have known about the requirement that reimbursement be requested in advance. However, when we spoke to the Acting Deputy Regional Director, he agreed that as Mr. A was not made aware of the policy he should be reimbursed. Consequently, Mr. A was reimbursed the price of the ticket.

## Ministry of Consumer and Business Services

### Registrar General Branch (the Branch)

**Mr. A** complained to our office because of the problems he was experiencing in obtaining a certified Statement of Live Birth for his son. He explained that he required this document to apply for dual citizenship for his son. He said that he had been waiting for over six months for the document and had recently been informed that the application form he had submitted, which he had obtained from the Canadian Embassy, was no longer valid. Mr. A was unable to get through to the Branch by phone to discuss the

situation. An Ombudsman Representative contacted the Branch. It explained that its forms had changed in 2001 and that Mr. A had not received the certificate because he had not provided a guarantor or sent the correct fee. As a result of our enquiry, Mr. A was provided with a contact name and fax number at the Branch, so that he could send the missing information and outstanding fee and have the application processed in a timely manner.

**Ms D**, who currently resides in the United States, contacted our office concerned about the delay she was experiencing in obtaining a birth certificate with a raised seal. She explained that she required this type of certificate so she could meet the United States' new travel requirements. Ms D said that despite her letters of complaint, she had been unable to obtain information about the status of her application. An Ombudsman Representative made a number of enquiries to the Branch about Ms D's application. As a result of our intervention, Ms D received her certificate within seven business days.

**Mr. E** contacted our office, as he had been trying without success to obtain a copy of his marriage certificate for immigration purposes. He explained that if he did not obtain the certificate within 90 days of the marriage, he could face deportation. He said he had contacted the Branch and so had his Member of Provincial Parliament, but the Branch said the certificate could not be expedited and that it would take over 40 weeks to process. An Ombudsman Representative contacted the Branch to discuss Mr. E's situation and as a result, a few days later Mr. E received the certificate.

**Mr. F** contacted our office and explained that the Branch would not give him a long form of his birth certificate because he did not know his mother's maiden name. He explained that his Member of Provincial Parliament had attempted to assist him without success and that he had been unable to get through to the Branch by phone.

An Ombudsman Representative spoke with a Branch official who agreed that Mr. F could fax a list of various names that his mother may have had as a maiden name. Consequently, Mr. F provided the information and received the certificate.

**Ms G** contacted our office because she was unable to reach the Branch by phone. She had applied for a birth certificate in August 2003 and re-submitted her application in September 2003. Eight months later she had paid for, but not yet received, her certificate. As a result of our enquiry, the Branch determined that because of the municipality's error, Ms G's name was incorrectly registered. The Branch corrected the problem and sent Ms G the certificate within days of our call.

**Mr. H** called to complain about the Branch's delay in providing him with a refund. The Branch had mistakenly billed the cost of his birth certificate to his credit card twice. Mr. H had been writing and calling the Branch for months, but had still not received a refund. As a result of our intervention, Mr. H finally received his refund.

**Mrs. I**, a senior, contacted our office concerned about the delay in receiving her late husband's death certificate. She required the certificate to apply for a widow's pension and her pension in England. An Ombudsman Representative contacted the Branch and as a result, Mrs. I received the certificate within a week.

**Ms J** lives in Newfoundland. She called our office to explain that her 10-year-old son had been accepted by a Tim Horton's summer camp program, but could not attend without his birth certificate. Ms J had applied to the Branch for a certificate seven months earlier. The Branch had informed her two weeks previously that the guarantor information was missing. She had immediately forwarded the information by facsimile. Ms J was very concerned that her son would miss out on the opportunity to attend camp. As a result of our intervention with the Branch, Ms J received the certificate the next day.

**Ms K** contacted our office explaining that she lives in Quebec and her daughter's temporary Quebec medical coverage was due to expire at the end of the month. She required her daughter's Ontario birth certificate to apply for permanent Quebec health coverage. She had applied for urgent service and over a month later had not received the birth certificate. She was unable to get through to the Branch by phone to find out what was causing the delay. Our enquiries revealed that the Branch had not yet received the registration notice or Statement of Live Birth from the municipality where Ms K's daughter was born. It requested more information about where and when the birth had been registered. Ms K provided this information by facsimile and received the certificate five days later.

**Ms L** contacted our office complaining about a delay in obtaining her late father's birth certificate, which she required for an application for Canada Pension Plan survivor benefits. Ms L explained that she had initially contacted the Branch over a year earlier, because she did not know some of the information requested on the application such as the age of her father's parents at the date of his birth. She had been told that this information was not mandatory and that she need only complete the basic information about the birth. She sent her application for expedited service and then resubmitted it when she learned that there was a special facsimile number for this type of service that had not been included on the application form. When she contacted the

## Dear Ombudsman

I submitted a change of name application in February of this year and was informed by the Ministry of Consumer and Business Services, Office of the Registrar that the delay in processing applications extended over year. The urgency in my application was due to my pending law school graduation. Fortunately with your persistence, the Ministry of Consumer and Business Services pulled my file from hundreds of applications in order to have my change of name issued immediately.

Branch again, she was advised that unless she provided the information she had been told earlier was not mandatory, it was possible she would not get the birth certificate at all. An Ombudsman Representative contacted the Branch and explained Ms L's situation. As a result of our enquiry, Ms L received the certificate a few days later.

**Mrs. M** is a senior who contacted our office and explained that she needed her birth certificate for a passport so that she could travel with her son's family to Europe. Mrs. M had applied for her birth certificate with a request for expedited service. Four months later she had still not received her birth certificate. An Ombudsman Representative contacted the Branch, which advised that Mrs. M's mother's maiden name on her application form did not match the name they had on the birth registration record. The Branch suggested that Mrs. M provide her grandmother's maiden name. Mrs. M explained that her middle name was taken from her grandmother's maiden name. The Ombudsman Representative provided this information to the Branch, which sent her the birth certificate within two business days.

**Ms R** is the mother of a two-year-old boy. She had paid cash for a long form birth certificate for her son at the Toronto office of the Branch five months before contacting our office because she had not received the certificate. She said she was unable to get through to the Branch by phone to find out what was happening. An Ombudsman

Representative learned from the Branch that it had mailed a certificate a month earlier but that it had been returned as undeliverable. Although Ms R had moved, she had forwarded her new address to the Branch. We discovered that the problem lay with the Branch, which

had mailed the certificate to the wrong province. The next day, the Branch sent the certificate to Ms R's correct address.

**Mr. M** contacted our office concerned because he had not received his marriage certificate. He needed the certificate to receive his pension payments, which were due to begin in one month. He had sent in two applications in successive months and his credit card had been charged twice but he still had not received a certificate. Following our enquiries, the Branch committed to process Mr. M's applications within two weeks.

**Mrs. S**, an 83-year-old widow, contacted our office because she needed to apply for widow benefits under the Quebec Pension Plan and the Branch had not sent her a copy of her marriage certificate. She had applied for the certificate five months before she had contacted our office and had been unable to reach the Branch by phone to discuss the case. As a result of our enquiry to the Branch, it proceeded to process and mail out the certificate to Mrs. S.

**Mrs. T** resides in the United States. Her husband died while hunting in Northern Ontario. She contacted Ombudsman Ontario complaining that although she had applied twice for several copies of her late husband's death certificate and her credit card had been debited for the cost, she had still not received the certificates. Mrs. T explained that her financial situation was becoming desperate and she needed the death certificates to access assets, insurance benefits and to settle her late husband's estate. Although Mrs. T had made numerous calls to the Branch, she had been unable to speak with a live agent. As a result of our enquiry, the Branch proceeded to process the certificates and send them to Mrs. T.

**Ms U** called our office explaining that her birth certificate and other identification had been stolen in September 2003. She had applied for a new certificate at that time. At the request of the Branch, Ms U had sent in additional information during 2004. Although she phoned the

## Dear Ombudsman

I'm happy to say that the copy of my marriage certificate arrived in the mail today. I am convinced that without your intervention it would still be sitting in someone's in-basket, and I want you to know how much I appreciate your efforts!

Branch from time to time, Ms U could not get through. Within two hours of our enquiry to the Branch, it had located Ms U's file and printed her certificate. The Branch had discovered, as a result of our call, that the application had mistakenly been waiting in a backlog of applications that had required additional information.

**Mr. V**, an executive member of a new church, complained to the Ombudsman that his church had been waiting for 11 months for the Branch to process its application for a certificate of new denomination. He explained that until the church receives a certificate, the pastor couldn't solemnize any marriages. Mr. V's local Member of Provincial Parliament had looked into the matter six months earlier, and the Branch had informed him that it would make the application a priority, but Mr. V had heard nothing since. Mr. V was unable to get through to the Branch by phone. When our office contacted the Branch, we were advised that the application had not been reviewed and that it was not uncommon for such applications to take at least a year to be processed. As a result of our intervention, the Branch reviewed the application and noted that there was information missing. The Branch committed to contacting Mr. V to obtain the necessary information and to expedite the processing of the application once the information was received.

## Ministry of Economic Development and Trade

### Liquor Control Board of Ontario (LCBO)

**Mr. N**, an owner and operator of a refrigeration company, contacted our office because he was owed approximately \$15,000 for two jobs done four months previously for the LCBO. He contacted the Ombudsman because his daily calls to the LCBO had not resulted in payment. The same day we enquired about the matter, the Ministry processed the company's invoices and couriered a cheque to it.

## Ministry of Education

**Mr. C** is the father of a 9-year-old son with a language disability. He contacted our office because his son had been placed in a French class even though he was unable to understand and learn in this type of academic program. An Identification, Placement, and Review Committee (IPRC) had also decided that he would be exempt from taking French.

Mr. C said that the school principal and the superintendent had told him that the course was a mandatory part of the Ministry's curriculum and no student could be exempted. The school board was not an organization over which the Ombudsman had jurisdiction, however, an Ombudsman Representative contacted the Ministry to enquire about its position regarding curriculum exemptions. Ministry officials stated that exemptions to the school curriculum are permitted for students with special needs and the principal of the school should be complying with the IPRC plan. Mr. C was provided with the name and phone number of a Ministry education officer to contact to discuss his concerns. The Ministry also committed to contacting the superintendent to ensure that she understood the Ministry's policy on this matter.

## Ministry of Energy

### Hydro One Networks Inc. (Hydro One)

**Ms C** owns a seasonal property and complained to our office that she was experiencing ongoing problems with Hydro One. Ms C received a very high bill from Hydro One in September 2003. At that time, she contacted Hydro One and was told the meter reading they took in August 2002 was significantly higher than in previous years and may have been in error. Ms C said that, although Hydro One became aware of the problem in August 2002, they did not share this information with her or fix the

problem at their end. Hydro One insisted that Ms C pay the bill in full, but allowed her to pay in installments over a 24-month period. Even after Ms C entered into this payment agreement, Hydro One continued to increase the amount of installment payments it required her to pay. In September 2004, Ms C received another inflated bill and tried to speak with a supervisor before contacting our office. Ms C said that Hydro One did not return her call but transferred her file to a collection agency. An Ombudsman Representative contacted Hydro One and explained the situation. Hydro One agreed to call Ms C directly and offered to credit her for 12 months' consumption (approximately \$2,000) leaving her account in a credit balance.

**Ms D** is a resident of a remote community in Ontario. She contacted our office extremely upset because her hydro had been cut off. It was September; she was seven months pregnant and had a three-year-old child whose bronchitis flares up in cold weather. She is alone in the home most of the time, as her husband works in the bush and is away

for long periods. Ms D explained that she had paid the outstanding hydro account but her hydro had not been restored. Hydro One had told her that she could pay \$500 to have the power reactivated immediately or wait until

the second week of October, when a staff member would be in her community. Ms D said that it was hard enough to pay her hydro on a regular basis and she did not have an extra \$500 to pay for reconnection. An Ombudsman Representative contacted Hydro One to discuss Ms D's case. Shortly after our contact and as a result of our alerting Hydro One to Ms D's circumstances, her hydro was restored when Hydro One responded to an urgent call in her community.

Dear Ombudsman

WOW you sure get things done.  
I had waited close to 7 weeks,  
one call to you and two days  
later my birth certificate is  
at my door.

## Ministry of the Environment

### Drive Clean Program

We received a complaint about the Ministry's Drive Clean Program concerning gasoline/electric hybrid vehicles. An owner of this type of car explained that she was required to bring her car in and pay for an emissions test, even though hybrid cars do not have any measurable emissions. The Ombudsman wrote to the Minister of the Environment about this situation. The Minister responded that it and the Ministry of Transportation were working together to review the regulations under the *Environmental Protection Act* and the *Highway Traffic Act* to determine if a regulatory change was required.

Subsequently, the Ministry advised that an amendment was made to the *Highway Traffic Act*. Effective May 1, 2005, these vehicles will be exempt from the current Drive Clean tests. The Ministry indicated that hybrid vehicle owners who have had Drive Clean tests will have their fees refunded and it would initiate contact with those customers after May 1, 2005.

## Ministry of Finance

### Ontario Health Premium

**Mr. L**, a senior living in British Columbia, contacted our office concerned that his former employer, a joint federal/provincial agency, was deducting the Ontario Health Premium from his monthly pension payments. An Ombudsman Investigator contacted a Ministry counsel who researched the matter and found that out-of-province pensioners should not have the health premium deducted from their Ontario pensions. When the Investigator advised the agency of this, it claimed that it had been informed by the Ministry that the health premium was to be deducted from pension payments made to out-of-province pensioners. After our Investigator told the Ministry counsel about this,

he took steps to ensure that the script used by the staff answering information inquiries was changed to include information about pension payments and the Ontario Health Premium. The agency contacted the Ministry and confirmed that deductions were not required in Mr. L's case. The agency sent a letter to Mr. L apologizing and advising that it would correct the mistake, and adjust the future pension payments of other retired employees who were no longer residing in Ontario.

## Retail Sales Tax Branch

**Mr. A** complained to our office about the delay in obtaining a rebate of retail sales tax. He explained that he had purchased a vehicle to transport his autistic son and his son's guide dog and he had applied for a rebate of the retail sales tax under a program for Vehicles Purchased to Transport Persons with Permanent Physical Disabilities. He said the Ministry told him that the program was being eliminated effective May 19, 2004, that all rebate applications received on or after that date would be held until enacting legislation was passed and that he would have to wait for a decision on his application. Mr. A considered this to be unfair. He noted that he had applied for the rebate in April 2004. An Ombudsman Representative contacted the Ministry to discuss Mr. A's situation. The Ministry undertook to review Mr. A's file and discovered that he had incorrectly dated the application May 20, 2004, resulting in his application not being processed. The Ministry consequently deemed Mr. A's application to have been made prior to the program termination date and mailed him a rebate cheque.

## Ministry of Health and Long-Term Care

### Assistive Devices Program

**Mr. I** contacted our office on behalf of his mother, for whom he has a power-of-attorney. He explained that his mother is diabetic and in the past the Ministry had paid

for her insulin syringes. Mr. I said that the Ministry refused to continue to cover this expense, once his mother moved into a retirement home. An Ombudsman Representative contacted the Ministry and clarified that Mr. I's mother was not in a long-term care facility that covers such expenses but in a retirement home. As a result of our intervention, the Ministry agreed to reactivate the coverage and deposited an annual payment for the syringes into her account.

## Drug Programs Branch

**Ms A** required a drug for her medical condition that was not covered by the Ontario Drug Benefit Program.

If an individual who is eligible under the Program requires a drug not normally covered under the Program, the Minister may allow for special coverage once the individual's physician recommends it. Ms A had obtained approval for the drug in the past, but it was due to expire. The Ministry's form states that approval requests should be submitted six weeks prior to the expiry date. Ms A's physician submitted the necessary form to the Ministry requesting an extension of coverage within six weeks of the expiry date. However, after six weeks had passed and Ms A's physician had not received a response to her request, Ms A contacted

### Dear Ombudsman

On behalf of the member agencies and community hospitals, a huge THANK YOU for your presentation yesterday. And we thought we knew it all!! The presentation was clear, professional, and extremely informative to all who attended. As a group of non-profit community service agencies in the Metro area, it is a commitment of the members to invite guest speakers to inform, and educate us about services that would benefit both client, caregivers, and certainly ourselves. It is often quite difficult to navigate the Systems, and for the client population we serve, it is daunting chore. We have now added Ombudsman Ontario to our collective resource list.

our office. When we contacted the Ministry, it advised that the approval process now takes 16 weeks. Ms A was very concerned that she would not receive the coverage extension in sufficient time for her to obtain her medication. When our office enquired into the matter, the Ministry confirmed that because of a large increase in the volume of special coverage requests, the approval time had increased substantially. The Ministry advised that it is working to implement operational improvements to expedite the process. As a result of our intervention, Ms A's extension was approved and she was able to obtain her medication.

## Health Professions Appeal and Review Board

**Ms R** complained that the Health Professions Appeal and Review Board had not addressed a request she made, which the Board had stated it would consider. The Ombudsman suggested to the Board that its decisions should address requests raised during its reviews. The Board responded by issuing a memorandum to its members reminding them of the statutory requirement to provide written reasons and the importance of responding to significant submissions.

**Ms S** contacted our office complaining that the Health Professions Appeal and Review Board had failed to address a significant issue she raised in her request for review. We reviewed the Board's file and confirmed that the Board failed to address this issue. After we brought this to the Board's attention, it suggested that Ms S request reconsideration, clearly identifying her basis for doing so. As it appeared that Ms S' concerns could be addressed through the reconsideration process, her file was closed.

## Ontario Health Insurance Plan (OHIP)

**Ms A** contacted our office to complain about OHIP. She explained that her doctor had instructed her to obtain medical tests while she was vacationing in British Columbia,

because the tests had to be conducted at a certain time of the month. Ms A said she spoke with two Ministry staff who both assured her that the tests would be covered by OHIP. Ms A paid for the tests, certain that she would be reimbursed by the Ministry. After she returned home, Ms A learned that only a portion of the money she had paid would be reimbursed under OHIP. In response to the Ombudsman's notice of intent to investigate, the Ministry agreed to reimburse Ms A in full for the tests.

**Ms B**, a complainant with special needs, contacted our office concerned because her son's OHIP coverage had been terminated and she needed his birth certificate to reinstate his coverage. Ms B's son was born in 1996 but his birth had not been registered. Ms B was in the process of registering the birth but it could be months before a certificate was obtained. An Ombudsman Representative contacted the Ministry to discuss Ms B's options. The Ministry advised that it would accept proof of the parents' residency and a letter from the hospital where the child was born. Ms B contacted our office again when she learned she would have to pay \$75 for such a letter. She explained that she did not have the money to pay for it. Following our second intervention with the Ministry, it agreed, given Ms B's circumstances, to obtain confirmation of the child's birth directly from the hospital. Consequently, the Ministry granted OHIP coverage for one year to enable Ms B to obtain her son's birth certificate.

**Mr. C** contacted our office concerned that he would not be able to extend his daughter's OHIP coverage. His daughter was born overseas in 2001. Mr. C relocated to Ontario in 2003. His daughter's OHIP coverage was due to expire at the end of February 2005. The Ministry had advised that it required the child's actual certificate of citizenship or a passport to extend OHIP coverage. Mr. C had applied for these documents but it was unlikely that they would be available in time. Following our intervention,

the Ministry agreed to extend the OHIP coverage for a number of months, if Mr. C provided it with copies of the child's birth certificate and parental identification documents.

**Ms D** is the daughter of an elderly non-English speaking couple. She explained that her father suffers from Alzheimer's Disease and that her mother is his only caregiver. Ms D noted that both her parents needed to renew their health cards but, given her father's medical condition, he was unable to wait for hours in an OHIP office. An Ombudsman Representative contacted the Ministry to discuss the situation. The Ministry advised that the father's physician could complete a photo and signature exemption request form, which would allow Ms D and her mother to attend an OHIP office to renew the cards without her father having to have a photo taken or sign his card. The Ombudsman Representative discussed this option with Ms D, who noted that it would be difficult because this would require her mother to leave her father with a neighbour. Ms D asked if it would be possible to schedule an appointment with the Ministry to minimize the length of time her mother would be away. The Ombudsman Representative spoke with Ministry staff again, to try to resolve the situation. Following this intervention, the Ministry agreed to automatically renew both OHIP cards.

**Ms E** contacted our office concerned that her son's OHIP coverage was due to expire and she could not renew it because he did not have a birth certificate. Ms E explained that since her son is sick quite often, the local OHIP office had extended his coverage without a birth certificate the previous year. Ms E explained that she had not registered her son's birth or applied for a birth certificate. An Ombudsman Representative discussed Ms E's situation with the Registrar General Branch, which indicated it would send Ms E a birth certificate application. When the Ombudsman Representative explained Ms E's case to the Ministry, it agreed to extend her son's coverage for 11 months.

**Ms G** called our office complaining that her son's OHIP coverage was not being extended because he did not have a birth certificate. She said her family doctor told her that she would not see her son unless he had coverage. An Ombudsman Representative contacted the Ministry to discuss Ms G's situation. The Ministry confirmed directly with the hospital that the child's birth had occurred in Ontario and extended his coverage for a year to enable Ms G to obtain a birth certificate.

**Mr. and Mrs. H** contacted our office explaining that their daughter, who is autistic, needed medical care. They explained that the Ministry refused to extend her OHIP coverage because she did not have a birth certificate. An application for a birth certificate was still pending with the Registrar General Branch. An Ombudsman Representative made enquiries with both Ministries. Mr. and Mrs. H were asked to provide additional information to the Registrar General Branch and the child's OHIP coverage was extended for a year to allow Mr. and Mrs. H to obtain their daughter's birth certificate.

**Mr. I**, a social assistance recipient, contacted our office because he was having difficulty obtaining OHIP coverage. Mr. I explained that he had recently had surgery and was going to be billed directly.

He could not afford this expense. Mr. I had an old card that did not require renewal but OHIP's records showed that he had reported that it was stolen. He had applied for a birth certificate six months previously but his application had not been processed. An Ombudsman Representative

## Dear Ombudsman

I would like to express my deep gratitude to your staff person for her invaluable help in obtaining a certified copy of my legal name change certificate. In just two weeks she managed to accomplish more than other people I had contacted were able to do in a year.

contacted the Ministry to discuss Mr. I's case. The Ministry agreed to grant Mr. I retroactive coverage if he attended at a local OHIP office and presented his driver's licence and two documents confirming proof of residency.

**Ms J** called our office and explained that she lost her identification and was having difficulty obtaining a new OHIP card. She explained the Ministry told her that she would need a birth certificate but her application for one was still pending with the Registrar General Branch. An Ombudsman Representative made enquiries with the Ministries. The Registrar General Branch explained that Ms J had filed the wrong form and sent her the correct application. As a result of our intervention, Ms J's OHIP coverage was extended for a year without her having to provide proof of citizenship.

**Ms H** contacted our office because her daughter's OHIP coverage had expired and the Ministry would not extend her coverage a second time without a birth certificate. Ms H's application for a certificate was awaiting processing by the Registrar General Branch. After our office explained Ms H's situation to the Ministry, it agreed to extend her OHIP coverage until April 2006.

### Trillium Drug Program

**Mr. M** works full-time and suffers from an illness requiring costly medication on a monthly basis. He contacted our office because he could not afford to pay a \$1,500 deductible to the Trillium Drug Program. He explained that a charity had paid for his medication for the first month of a new job and that he had exhausted his credit paying for the next two months. He explained that his income had gone down from previous years, but that the Program was still using a higher income to determine his deductible. An Ombudsman Representative contacted the Ministry and it explained that it could not use current income to deter-

mine Mr. M's deductible. However, it noted it had used his 2003 income and that it could recalculate the deductible based on his income for 2004. Mr. M's deductible was reduced as a result and he was able to afford to pay for his medications.

## Ministry of Labour Employment Practices Branch

**Mr. T** contacted our office because the Ministry was not responding to his enquiries. He explained that he had filed a claim for unpaid wages and vacation pay with the Employment Practices Branch of the Ministry. The Branch had substantiated his claim and issued an order to pay to his former employer. The employer did not voluntarily pay and the Branch commenced collections efforts. Mr. T had attempted unsuccessfully to obtain information from the Branch about the status of its collection efforts. When an Ombudsman Representative contacted a manager at the Branch, he confirmed that various collection measures had been initiated but had been unsuccessful. He agreed that communication between Mr. T and the Branch had not been ideal and transferred the file to a senior investigator to attempt more aggressive enforcement measures and ensure increased communication with Mr. T.

### Office of the Worker Adviser (OWA)

**Mr. Z**, an injured worker, complained about a delay in obtaining assistance from the OWA. He explained that he had been told seven months earlier that he would have to wait over a year to be assigned a representative. An Ombudsman Representative contacted the OWA, which confirmed that the waiting period to be assigned a representative, in some offices, is up to a year. However, the OWA explained that a representative had already been assigned to Mr. Z's file but that a letter sent to Mr. Z

had not referred to the assignment or provided the representative's name or phone number. As a result of our discussion with the OWA, it agreed to revise its standard assignment letter to ensure that it clearly states the file has been assigned and provides the representative's contact information.

## Workplace Safety and Insurance Board (WSIB)

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**Mr. Y** called our office because of problems he was experiencing with the WSIB concerning reimbursement of his transportation expenses. The previous year, Mr. Y had received an expense reimbursement cheque well in excess of the amount to which he was entitled. Following WSIB's advice, he returned the cheque with a note of explanation and waited to receive a corrected cheque. After many months and numerous calls to the WSIB, Mr. Y had still not received the cheque. When an Ombudsman Representative contacted the WSIB, it agreed to review Mr. Y's file. It discovered that when Mr. Y had returned the cheque, it was incorrectly coded resulting in an overpayment. When a new reimbursement cheque was issued, rather than being sent to Mr. Y, it was applied against the erroneous overpayment. As a result of our intervention, the WSIB apologized for the error, corrected it, and immediately mailed Mr. Y a cheque for the proper amount.

**Ms W** contacted our office seeking assistance in obtaining a lump sum benefit payment from the WSIB. The benefit payment had been approved, but she had been waiting for two months for the payment. Ms W was in very difficult financial circumstances and was anxious to receive the funds, or at least a portion of them, so that she could cover her daily living expenses. As a result of our intervention, the WSIB agreed to expedite its processing of Ms W's payment and courier a cheque to Ms W's local office within the next two days.

## Management Board of Cabinet Collection Management Unit

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**Ms R** complained that in April 2004 her lawyer found an outstanding writ filed against her property by the Attorney General. Ms R disputed that any money was owed.

However, she needed to complete the refinancing of her property and, to satisfy the writ, her lawyer sent a cheque for \$10,000 to the collection agency hired to collect Crown debts. Ms R then went to the courts, which confirmed that the funds should be returned. She explained that her law firm had been trying for over eight months to obtain reimbursement. After a number of enquiries by our office, staff of the Collection Management Unit located the funds and arranged to have them sent to Ms R's law firm by courier.

## Ontario Pension Board

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**Mr. R**, an Ontario government employee, requested that the Ontario Pension Board allow him to purchase pension credit for his prior contract employment with the Ministry of the Environment from 1978 to 1981. He complained to our office that the Ontario Pension Board had denied his request as well as the right to appeal its decision.

The Board had referred him to the Management Board Secretariat, which took the position that Mr. R was out of time and the matter was not arbitrable. Mr. R explained that he had learned that other employees had been granted credit for similar contract service. After our office had notified Management Board Secretariat of our intent to investigate, the Ontario Pension Board contacted us and said it had reviewed Mr. R's file and decided that it would allow him to appeal. Mr. R's file was closed to allow him the opportunity to commence an appeal at the Board.

## Ministry of Municipal Affairs and Housing

### Municipal Property Assessment Corporation

**Mr. W** contacted our office requesting assistance with the assessment of his property by the Municipal Property Assessment Corporation (MPAC). Mr. W explained that he had purchased a property that had been recently severed from another property. He said that the assessment he received from the MPAC was very high, and appeared to be based on the original unsevered property. He advised that he had been trying for a year to have the MPAC complete the 2004 assessment of his newly created property, but had been unsuccessful. An Ombudsman Representative contacted the MPAC and determined that there had been an oversight by MPAC in registering the severance. The Ombudsman Representative relayed information necessary to complete the registration and the MPAC committed to completing the assessment within the week.

### Ontario Rental Housing Tribunal (the Tribunal)

**Mr. A** contacted our office concerned because his wages were being garnished to satisfy an order of the Tribunal. The Tribunal had decided that Mr. A owed rental arrears for failing to provide proper notice that he was vacating his apartment. Mr. A explained that he had been served with a Notice to Terminate a Tenancy Early during the first week of July 2003. The notice stated that Mr. A was required to vacate his apartment by July 31, 2003. Mr. A said he spoke with the Superintendent and confirmed he would be leaving by the date set out in the Notice. Mr. A believed that his rent deposit would cover his July rent. The second week of July, Mr. A received a Notice to Terminate Early for Non-Payment of Rent, instructing him to vacate his apartment by July 29, 2003 because he had not paid his July rent.

Mr. A claimed that he vacated the apartment July 31, 2003 in compliance with the first notice he received. Mr. A's landlord applied to the Tribunal stating it had been unaware that Mr. A had moved out until it found his apartment vacant in September. The landlord claimed that Mr. A should have provided written notice that he was leaving and left by July 29<sup>th</sup>.

Mr. A claimed that the Tribunal did not address the fact that he had moved out in accordance with the first notice he received. The Tribunal initially responded to the Ombudsman's notice of intent to investigate by confirming its decision. The Tribunal stated that the only application it had to resolve was the issue of non-payment of rent. It explained that the first notice Mr. A received would not have resulted in eviction, unless it had been accompanied by an application to the Tribunal and a subsequent order enforceable by the Sheriff.

An Ombudsman Investigator contacted the Tribunal to discuss Mr. A's case. As a result, the Tribunal reviewed Mr. A's file again. Following its review, the Tribunal decided to provide Mr. A with another opportunity to present his case before the Tribunal at no cost to the parties.

**Mr. C** contacted our office concerned with a decision of the Tribunal. He explained that he is the owner of a trailer park that he purchased in 1988. He stated that when he bought the park, he was not aware that the previous owner had not set a basic maximum rent and registered this amount with the Tribunal, as required by law. Mr. C stated that he did not become aware of the problem until 1992 when a tenant filed a complaint with the Tribunal. A hearing was held in 1996 and the Tribunal decided in favour of the tenants. Mr. C took the matter to Court and obtained a judgment ordering the Tribunal to review the matter again. A second hearing was held in January 2001. Mr. C stated that he had been in constant communication with the Tribunal to try to obtain a final decision. He noted that

three years later, the Tribunal has informed him that it cannot give him a decision on the second hearing because the transcripts and tapes were destroyed.

The Tribunal offered to schedule another hearing. However, Mr. C thought this was unreasonable, given the time and money that would be involved in presenting his case again. Mr. C was also upset because the Tribunal had notified his tenants that he had been granted a review, leading them to think that he had instituted a new proceeding against them. When we contacted the Tribunal about Mr. C's case, it said that the adjudicator who had heard the case in 2001 had left the organization without writing the decision. The Tribunal apologized for its failure to deal with the matter in a more timely manner. The Tribunal agreed that Mr. C would be granted an administrative review, which could be done with or without a hearing. The Tribunal also agreed to send a letter to Mr. C's tenants to explain the situation.

## Provincial Sales Tax Grant Program

**Mr. M** complained to our office about the Ministry's administration of the Provincial Sales Tax Grant Program. The Program, introduced in November 1999, was designed to offset the provincial sales tax used in the construction of affordable housing by providing builders with a grant of \$2,000 per rental unit and was to be in effect for a three-year period with a budget of \$4 million. All building materials used in the construction of housing units had to be purchased after March 31, 1999, with the units completed by March 31, 2002. The grant would be paid upon the completion of construction.

Mr. M renovated three buildings creating sixteen affordable housing units, which were completed between July 2000 and July 2001. He said that when he contacted the Ministry about the Program in 2001, the Ministry told him it was no longer accepting applications. Mr. M wrote to the Minister to express his dissatisfaction and enclosed two completed

applications for consideration under the Program. The new Minister advised him that all funds under the Program had been committed and that there was no funding available for his project. She also stated that, when the Program was announced, it included a provision that all grants would be issued on a first-come, first-served basis while funding with the Program was available.

Mr. M contacted the Ombudsman because he believed that the Ministry's decision not to provide him with a grant was unreasonable. He also maintained that none of the Program literature, the Ministry's website or statements made by the previous ministers while promoting the Program, specified that receipt of the grant was limited by the availability of funds.

## Dear Ombudsman

Thanks so much to the staff person in your office for applying her expertise to help a helpless victim of bureaucratic bumbling. I think she is an asset to your office, and should be an example to other staff.

Our investigation revealed that the Program literature did not state when an application was to be made. Mr. M was under the impression that construction of the rental units had to be completed before he could apply for the grant. The investigation confirmed that applicants could obtain conditional approval prior to the completion of construction. The Ombudsman also found that the only reference to the Program funds being limited was in a press release issued when the Program was launched.

While the Ombudsman did not support Mr. M's complaint, he did suggest to the Ministry that, in the future, it include information about the total funding available, whether funding will be on a first-come, first-served basis, and how and when to initiate an application. The Ombudsman was of the view that having such information only appear in a news release was inadequate to bring the information to the attention of potential participants.

## Ministry of Natural Resources

### Lands and Waters Branch

**Mr. R** complained to our office that he was unable to use three lots he owned for logging because the Ministry had refused to allow him to upgrade a forest access road on Crown land. His father had used the road when he had owned and logged the lots in the 1950s and 1970s. The road was on Crown land that had recently become part of a conservation reserve. The Ministry's position was that Mr. R could not upgrade the road because it was part of the reserve.

Our investigation disclosed that the Ministry had issued a land use strategy document in 1999 under its Lands for Life program. The document indicated that no new roads would be allowed in the conservation reserve but did not refer to the issue of upgrading existing roads. In September 2000, the Ministry issued a policy clarification to staff explaining that no upgrading of access roads would be permitted in conservation reserves unless there was an

agreement in place prior to March 1999. This policy clarification was issued to abutting landowners in the area on July 1, 2001. Mr. R had been in contact with the Ministry in 1997, 1998 and 2000 regarding accessing his lots. Based on the information in the Ministry's 1999 document, he had assumed he would be able to obtain a work permit to upgrade the access road.

A meeting was held between our office and Ministry officials to discuss Mr. R's situation. As a result, the Ministry undertook to have an impartial forestry consultant review the road and surrounding area to determine whether the lots had been logged, and if so, when this had occurred and the status of the access road. The consultant's report confirmed that the lots had been previously logged. He noted that two of the lots were accessed by what he referred to as an overgrown trail but that it was not possible to say that the third lot was accessed by a trail.

After considering this report, the Ministry proposed that Mr. R be allowed to perform necessary upgrades to allow access to two of the lots and to use the access road to take out logs by means of a skidder to ensure minimal disruption to the environment. The Ministry stated it was trying to balance one individual's personal economic interest while at the same time protecting an identified environmental value. The Ombudsman accepted this compromise solution.

## Ministry of Northern Development and Mines

### Mining and Lands Commissioner

**Mr. G** complained to our office about a decision of the Mining and Lands Commissioner. Mr. G felt that it was unreasonable for the Commissioner to impose certain conditions on the sale of his property in a final order. Mr. G argued that the conditions went beyond the Commissioner's jurisdiction. We notified the Commissioner of our intent to investigate Mr. G's case. While the Commissioner did not concede that she came within the Ombudsman's jurisdiction, on further review, she re-opened Mr. G's case on her own motion. Mr. G's case was reconsidered, resulting in the problematic conditions being rescinded.

### Dear Ombudsman

The students and I thoroughly enjoyed the talk, and many of the students have talked about the Ombudsman on numerous occasions since. I believe that the presentation definitely raised their awareness about your organization and help them understand the role they play in standing up for their rights as citizens.

## Ministry of Training, Colleges and Universities

### Colleges of Applied Arts and Technology (community college)

**Ms R** complained that she had not received marks for three courses in social work at a community college. Ms R graduated in Spring 2002 even though she had not completed four of her courses. When she requested a transcript of her marks in 2004 she discovered that no grades were posted for the four courses. The College explained to her that she had not received marks because its records indicated there were papers missing. Ms R insisted that she had handed in all her assigned work. One professor agreed to give Ms R a mark, but she could not obtain grades for the other three courses. The College's position was that it would not give Ms R marks for the remaining courses because there was no record of the papers being received, students are by written policy responsible for ensuring that the work is received, and students are also told to keep copies of their work. After the College was notified of our intent to investigate, it decided to give Ms R passing grades in the three courses. It also undertook to examine its practice of allowing students to graduate before completing course work.

**Ms S** complained to our office about a fieldwork placement fee being charged by a community college. Ms S transferred from a three-year certificate program as an educational assistant to a four-year diploma program in the fall of 2001. In February 2004, she learned for the first time that she would be required to pay \$1200 for a fieldwork placement fee. Ms S reviewed all of the written material that the College had provided her about the program but could find no reference to the fieldwork fee. When we contacted the College it confirmed that there was nothing in writing about the fee. After receiving our notice of intent to

investigate, the College undertook to provide Ms S with a bursary to offset the fee, apologized for its omission and committed to change its program information to include reference to the fee.

### Literacy and Basic Skills Unit

**Ms T** contacted our office because she was dissatisfied with the Ministry's competition for the position of Field Consultant with the Literacy and Basic Skills Unit. One of her concerns related to the process used to obtain reference checks. Although the Temporary Ombudsman did not support Ms T's contentions, she did write to the Ministry asking that it remind staff that the information collected

for reference checks must be employment related, objective and consistent with pre-established selection criteria. In addition, during the course of the investigation, it was discovered that a member of the selection panel had also served as a reference for two of the successful internal candidates. The Temporary Ombudsman was concerned about this situation, as it might lead to a perception of bias. The issue was brought to the Director of Human Resources' attention, who committed to implement changes to the Ministry's recruitment practices to ensure a more balanced and transparent process in situations when a selection panel member is asked to provide a reference for a candidate in a job competition. The Director of Human Resources also wrote to the Assistant Deputy Minister, Human Resources Strategy and Policy Division, recommending that the Ministry consider the policy implications of having its staffing policy reviewed with respect to this issue. The Ministry also agreed to inform Ms T of any future job positions in the relevant area for a period of one year.

### Dear Ombudsman

It is nice to know that there is some one out there to help the little guy.

## Ontario Student Assistance Program (OSAP)

**Ms A** called our office frustrated because she could not determine how an OSAP debt had been calculated. She explained that she had paid her student loans in full many years ago but had received notice from a collection agency saying that she owed OSAP \$922 because of a loan forgiveness reassessment. Ms A was also concerned that the OSAP had reported her to the credit bureau and sent her file to a collection agency without first giving her the opportunity to enquire about the debt and pay it. Ms A stated that she had been unable to obtain more information from OSAP. An Ombudsman Representative contacted the OSAP, which explained that when a loan forgiveness reassessment is completed and an overpayment established, three notices are sent to the student's last known address and if the student does not respond, the file is sent to collections and reported to the credit bureau. Ms A had moved over the years and the OSAP did not have her current address. After we discussed Ms A's case with the OSAP, it deleted Ms A's name from the credit bureau, sent her a detailed letter answering her questions and assigned a staff member to contact Ms A to discuss payment arrangements.

**Mr. B** complained to our office that a Financial Aid Office at a University was refusing to give him his student loan documents because he was unable to furnish three pieces of satisfactory identification. The Financial Aid Office rejected Mr. B's OHIP and student cards, which contained photographs, as well as his birth certificate and social insurance card. Mr. B did not possess a driver's licence or a passport. Mr. B's only alternative was to find a guarantor, who had known him for at least two years. However, Mr. B had recently returned to Canada from the US and it was not possible for him to find a guarantor locally. An Ombudsman Representative contacted the Ministry, which advised that, in fact, the Financial Aid

Office could accept the identification that Mr. B had presented. The Ministry agreed to speak directly with the Financial Aid Office and explain that exceptions can be made in such cases. As a result of our intervention, Mr. B's student loan was processed.

**Ms S** completed her 2003-2004 OSAP application online, with the desire to be considered for the Queen Elizabeth II Aiming for the Top Scholarship. However, she was unable to access the appropriate screen option for the Scholarship application form because she responded incorrectly to one of the prompting questions that she found to be confusing. When we discussed this situation with the Ministry, it disagreed that the question was confusing, but agreed to reword the question for the future. We then asked whether the Ministry would be prepared to award Ms S the funds she would have received had she been able to access the Scholarship application form. After the Ministry reviewed Ms S' high school transcript, it agreed to provide her with \$3,500, which is the annual maximum allowable under the Scholarship, for her first year of university studies.

**Ms T** is a student attending her last year of a nursing program. She contacted Ombudsman Ontario because she was concerned that she had been placed on the restricted list for OSAP funding. The Ministry claimed that Ms T had failed to properly report her income for the academic year 2002-2003 and was therefore permanently ineligible for funding. She appealed to the Ministry twice, explaining that the income was reported on the wrong lines only because the University had amended its forms causing gross income, estimated income and total income to be recorded on the wrong line. Both Ms T and the University had reported the error to the Ministry. An Ombudsman Representative contacted the Ministry to attempt to resolve Ms T's situation. As a result, Ms T's file was reviewed again and the Ministry decided to remove the restriction

acknowledging that both Ms T and the University had attempted to correct the error. The Ministry proceeded to recalculate her entitlement and she received her OSAP funding for the year.

## Ministry of Transportation

### Driver Improvement Office – Medical Review Section

**Mr. C** is a Quebec resident. He failed his first driving test while living in Ontario in 1997. He did not complete the licensing process, as he moved to Quebec and obtained a Quebec driver's licence. While in Quebec, Mr. C's licence was suspended for 12 months and later reinstated. Mr. C called our office, because the police in Ontario had stopped him and told him that he could not drive in Ontario because his licence was under suspension. The officer also took away his Quebec licence. When Mr. C contacted the Ministry, he was told before his licence was returned he would have to participate in a remedial measures program, which would cost \$500 and take eight months for him to complete. Mr. C's job required that he drive between Ontario and Quebec. He was at risk of losing his employment unless he could obtain a driver's licence immediately. Our office made several enquiries to the Ministry. At one point, we were advised that Mr. C had renewed his Ontario driver's licence in 1997 and never informed the Ministry that he had moved. The Ministry stated that drivers are required to submit their Ontario driver's licence when they move to another province. The Ministry said if Mr. C had done this, it would not have been necessary for him to complete the Ontario remedial measures program.

Mr. C insisted that he had never had a licence in Ontario and accordingly, had never renewed it in 1997. An Ombudsman Representative pursued the matter further with the Ministry. As a result of our intervention, the

Ministry discovered that there was a computer error and that information relating to someone else had mistakenly been entered into Mr. C's driving record. The Ministry apologized for the error and corrected its records. Mr. C was also able to obtain his Quebec driver's licence and return to work.

## Licensing and Control Branch

**Ms A** complained to our office that the Ministry had denied her licence. She explained that she is an insulin dependent diabetic who drives a school bus and that she had submitted blood logs, as required by the Ministry. She said the Ministry told her that because of low blood readings she might be in danger of a hypoglycemic reaction. The Ministry said it could not accept her manual blood logs and that her licence was denied. Ms A and her specialist submitted additional information confirming that her blood sugar was under control but the Ministry would not reinstate her licence unless it received satisfactory memory records from a glucose monitor. Ms A told us that she could not afford a computerized glucose monitor.

When an Ombudsman Representative contacted the Ministry, she learned that Ms A could obtain a memory printout download from her blood meter through a pharmacy with the right computer link. After we relayed this information to Ms A, she was able to obtain and submit the required documentation and the Ministry reinstated her licence.

## Dear Ombudsman

I want to thank you in a personal way for this workshop. I was motivated and empowered to complain to a provider. The outcome was even greater than I had asked for. I want to thank you for the training and all the exercises about the complaining style and about remaining professional. The bottom line for me that I had to make up my mind that I was really utilizing and exercising my voice and that the most important thing was to speak up and have it on file.

## Road User Safety Operations

**Mr. B** bought a recreational vehicle (RV) in October 2000. The RV was sold as equipped plus safety certified and emissions tested. In December 2000, Mr. B took his RV to a local garage because it needed a new engine. While the RV was being repaired, he asked the mechanic to perform another safety inspection on it. The inspection revealed that only the brakes on the front wheels were working. Other problems were also discovered during this inspection. Mr. B called the Ministry office in Kingston to complain that these problems should have been noted on the safety inspection at the time of purchase. The Ministry officer told Mr. B that he could not perform an inspection

of the RV for three days. In the interim, Mr. B instructed the garage to make the necessary repairs. The Ministry officer attended at the garage two days after he had spoken with Mr. B. By that time, repairs had been done to the RV. The Ministry then told Mr. B that it would not be taking any further action on his complaint. The Ministry told Mr. B that its officer must inspect the vehicle to confirm that specific items covered by the legislation were defective on the date of the original inspection for the safety standards certificate. The Ministry

explained that if defective items have been replaced, the Ministry cannot satisfy the courts that the items were part of the vehicle at the relevant time. Mr. B complained to our office about the Ministry's conduct. He emphasized that the Ministry's officer had never told him to delay repairing the RV until after the Ministry's inspection was complete. When questioned by our staff, the Ministry's officer claimed that he had told Mr. B not to have any repairs done to his RV until he could attend the garage.

Following our investigation of Mr. B's complaint, the Ombudsman did not find it unreasonable for the Ministry not to proceed with charges, as repairs had been done to the RV before the Ministry inspected it. However, the Ombudsman was concerned that the Ministry did not have information on its website warning the public that if they have a complaint about a vehicle that has received a safety standards certificate, they should not have any work done on it until a Ministry officer has inspected it. The Ministry agreed with the Ombudsman's suggestion to include this information on its website. The Deputy Minister also agreed to instruct its managers to ensure that complainants are clearly notified at the time of initial complaint not to do any repairs until an officer has completed an inspection.

## Dear Ombudsman

After your presentation in November 2004, we followed your advice and wrote a complaint to ODSP regarding an overpayment. We wanted you to know that with the help of the Ombudsman's office and (complainant) perseverance talking to ODSP on the telephone, the overpayment was finally taken off his record and he received a refund of over \$300 for payments that had been deducted from his monthly cheque for the preceding year. If we had not attended your presentation, we could still be trying to deal with ODSP!

# OMBUDSMAN ONTARIO STAFF LIST

March 31, 2005

## Temporary Ombudsman

Wendy Ray

## Administrative Assistant

Carolyn Braunlich

## LEGAL SERVICES

### Senior Counsel

Laura Pettigrew

### Legal Advisor

David Lampert (Temp)

### Analyst/Investigator

Lorraine Boucher

### Research Assistant

Sherrie Nicholson

## COMPLAINT SERVICES

### Director

Lenna Bradburn

### Administrative Assistant

Denise Salmon

## ACCESS CENTRE

### Manager

Eva Kalisz

### Access Representatives

Monique Bokya-Mboyo

Jackie Correia (Acting)

Zalina Deodat

Muktar Houssein

Eddie Kabasale

Hema Nagar

Johanne Safar

## GENERALIST TEAM

### Manager

Sue Haslam

### Team Leader

Mary Elizabeth Nugent

### Administrative Assistant

Kamala Kirushna

### Ombudsman Representatives

Michelle Amaral

Danielle Barbeau-Rodrigue

Alphonse Barikage

Robin Bosworth

Lira Buschman

Joane De Varennes

Rozmin Dossa (Temp)

Hannahie Ethier

Pauline Gignac

Diane Hall

Roch McLean

Marie-Claire Muamba

Janet Ortved (Temp)

Amita Shunglu

Laura Spiers

Michelle Touchette (Acting)

## INVESTIGATIONS TEAM

### Manager

Duncan Newport

### Team Leader

James Nicholas

### Administrative Assistant

Betty Baker

### Investigators

Kwame Addo

Irene Buncel

Winsome Cain

Gerry Carlino

Rosie Dear

Mary Jane Fenton

Anita Glasier

Anne Hart

Barbara Hirst

Lourine Lucas

Kathy Penfold

Matilda Presner

Elizabeth Weston

Barbara Worthington

## CORRECTIONS TEAM

### Manager

Sue Seto

### Team Leaders

Tim Arkell

Cathy Rea

### Corrections Clerk

Lourdes Legardo

### Word Processing Operator

Jackie Holmes

### Ombudsman Representatives

Ellise Amenu

Garvin DeFour

Chakib El Hakmaoui

Sharon Fowler

Claire Giroux

Esla Hurchinson

George La Rosa

Nicole LeBlanc

Anne Sophie Leduc

Beena Rajendra

Gabriella Trotta

## CORPORATE SERVICES

### Director

Peter Allen

### Administrative Assistant

Susan Mason

### French Language Services

#### Coordinator

Danielle Barbeau-Rodrigue

## FINANCE & ADMINISTRATION

### Manager

Alec Chan

### Administrative Assistant

Dora Gimenez-Dixon

## Accounting Analyst

Judith Lee

## Client Services Representative

Wolfgang Schulz

## POLICY AND INFORMATION SYSTEMS

### Manager

Margaret de Wit

## Programmer/Systems Analysts

Kwasi Frimpong

Dianne King

## Records & Archives Technician

Erin McKane (Temp)

## End User Support

Joyce Coolman

## Word Processing Operator

Maureen Bourns

## COMMUNICATIONS/COMMUNITY EDUCATION

### Manager

Gail Scala

## Supervisor, Community Education

Judith Klie

## Ombudsman Representatives

Micheline Gagné

Pamela Young

## Administrative Assistant

Dean Morra

## HUMAN RESOURCES

## Staff Services Supervisor

Joyce Leonard

## Training & Employment Supervisor

Deen Ajasa

## Administrative Assistant

Grace Domingo



## *Mission Statement*

*“Working to ensure fair and accountable provincial government service”*

## *Our Values*

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

*Fairness: treating everyone in a reasonable, equitable, and impartial manner*

*Accountability: providing quality services, taking responsibility, evaluating and improving through innovation*

*Integrity: demonstrating transparent, honest and ethical practices*

*Respect: understanding individual differences and valuing diversity*

## *Contact Information*

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1 800 387-2620 – Français

1-866-411-4211 – TTY, hard of hearing and deaf

1-866-863-2560 – Fax

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This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.



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